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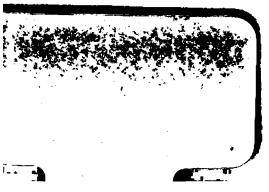

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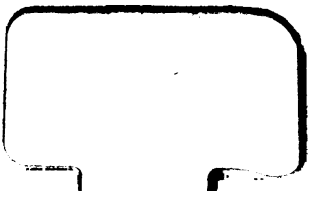

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MAGDALEN COLLEGE

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KING JAMES II

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MAGDALEN COLLEGE

AND

KING JAMES II

1686—1688

A SERIES OF DOCUMENTS

COLLECTED AND EDITED BY

THE REV. J. R. BLOXAM, D.D.

LATE FELLOW OF MAGDALEN COLLEGE

WITH ADDITIONS

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INTRODUCTION.

IT is seldom that the annals of a private Corporation can aspire to furnish more than a remote basis for the national History. The transactions which such documents record may with many similar events be taken as materials from which a general account of the times may be constructed; but the events themselves, their circumstances, and the names of the actors, are lost in the infinite variety of details which go to make up that confused and changing current of human affairs, of which history can but preserve a dim and distant outline. It has however been the fortune of Magdalen College, at one crisis of its existence, to be the scene of a contest which from the greatness of the issues it involved and the direct and immediate effect which it had upon the accepted principles of Government and the permanence of the then established dynasty, has been thought worthy by English historians to occupy a place in the main course of their narrative. The name of Hough appears in the pages of Hume of Lingard and of Macaulay when they review the disastrous policy of James II. The reasons for the remarkable prominence assumed by this particular incident in a long series of transactions identical in principle and of similar tendency may have been in part accidental: but its intrinsic interest was quite sufficient justification for it.

It seems not improbable that the affairs of Magdalen College might obtain a more general notoriety and enlist a wider sympathy in consequence of the position occupied by several of the Fellows of that period in the houses of great persons. Dr. Hough, upon whose title to the place of President the whole battle was fought out, was Chaplain to the Duke of Ormond, one of the most distinguished noblemen of the day. Dr. Younger, who retained his Fellowship throughout, without making any submission, was able to do so from being in attendance as chap-

lain upon the Princess, afterwards Queen Anne: while a former Fellow, Dr. Jessop, discharged the same office in the household of the Earl of Sunderland, the President of the Council and Secretary of State, by whom most of the King's movements in this affair were executed.

The intrinsic importance of the event was due to its connexion with the King's systematic and determined efforts to dislodge the Church of England from the position guaranteed to her at the Restoration, and to secure the equality, if not the sole ascendancy of the adherents of the Roman mission. In pursuit of this object, and of the establishment of his own absolute authority, James set aside the rights and liberties of the subject, the sanctions of Acts of Parliament, and the whole system of official custom and tradition, by force of the prerogative. This course of action received a remarkable illustration, and appeared embodied in a single instance in the case of Magdalen College. The measures there attempted were an overt and undisguised step towards opening the chief seminaries of the Church of England to Roman influences and occupation.

It is true that in the year before (1686) a new convert to that Communion had been appointed Dean of Christ Church; and that the Master of University College, with some few Fellows, had also received dispensations from attending the English Service, and from everything inconsistent with their allegiance to the Church of Rome: but the whole of these circumstances were not generally known[1], nor did they involve any such violation of individual consciences, or injury to freehold rights as was inevitable if Farmer was to be made President of Magdalen, or Hough was to be dispossessed.

Hume says, speaking of this latter stage of the proceedings, 'This act of violence, of all those which were committed during the reign of James, is perhaps the most illegal and arbitrary. When the dispensing power was the most strenuously insisted on by Court lawyers, it had still been allowed that the statutes which regard private property could not legally be infringed by that prerogative. Yet in this instance it appeared that even these were not now safe from invasion[2].' When Hough was removed

[1] Hallam's *Constitutional History*, ch. xiv (vol. iii. p. 64. Seventh Edition).
[2] Hume's *History of England*, lxx. 22.

from the office to which he had been elected, he became, as Hallam puts it, the one man in this reign who 'had been despoiled of his property[1].'

The mode of action adopted in this instance by the King was similar to that by which the civic incorporations had already been brought within his grasp. In the year 1683, during the preceding reign, upon occasion of a disputed election of sheriffs in which the King had interfered, a writ of *quo warranto* had been issued against the City of London, and it was adjudged to have forfeited its charter. The King agreed, upon the humble petition of the City, to restore the charter; but upon condition that none of the city officers should in future be admitted to the execution of his office except upon his Majesty's approbation. In like manner most of the corporations in England were induced to surrender their charters into the King's hands: and in this way all places of power and profit throughout the country were put at the disposal of the Crown[2]. In 1687 the Charter of Dublin and of all the corporations in Ireland was annulled by King James, and new charters were granted, subjecting the corporations to the will of the Sovereign.

The same measures were now threatened against the academical foundations to which the Church of England held an exclusive right, and on which she depended for the education of her clergy. This implied a fresh exercise of the dispensing power, for which the King after removing four of the judges had lately procured judicial sanction in the case of Sir Edward Hales (June 21, 1686), and which he had publicly asserted, although it had been three times denied to be legal by the House of Commons[3], immediately before the commencement of the proceedings at Magdalen, in his Declaration of Indulgence (April 4, 1687).

That Declaration was professedly intended to relieve all classes of Nonconformists, as well Protestant Dissenters as Roman Catholics, from all religious tests, and from all penal and incapacitating statutes: but when it was applied to secure their admission to ecclesiastical or University offices or corporations it

[1] Hallam's *Constitutional History*, ch. xiv (vol. iii. p. 83. Seventh Edition).
[2] See Hume's *History*, lxix. 7, 8.
[3] Feb. 27, 1662; Feb. 14, 1672; Nov. 16, 1685.

amounted in fact to an abrogation of the title of the Established Church.

The critical position of the national religion was thus becoming more and more apparent: and the difficulties which the King encountered in his new attempt to push forward his attack upon it were as formidable as they were in all probability unexpected.

The duty of passive obedience to the sovereign had long been a favourite doctrine in the University of Oxford. Only a few years before (July 21, 1683) it had passed a Decree in Convocation 'against certain pernicious books and damnable doctrines;' the ninth of the condemned propositions being as follows: 'There lies no obligation upon Christians to passive obedience when the prince commands anything against the laws of our country[1].' Nevertheless, the President and Fellows of Magdalen, with the unquestionable support and sympathy of many other leading members of the University, including the Vice-Chancellor, offered an unyielding passive resistance to the King's mandates when they contravened the College Statutes: a resistance which continued until the time when the King's resolution finally gave way before the universal alienation of the affections and allegiance of his subjects, of which he became sensible when it was too late.

It may not then be uninteresting to students of History to possess a full and minute collection of the records, chiefly contemporaneous and original, which recount the rise and progress of that famous struggle: between the Churches of Rome and of England; between arbitrary and constitutional Monarchy; between a King and a College.

A short summary of the leading incidents, as gathered from the documents which follow, together with some remarks on the course of events, is here offered by way of introduction.

Dr. Henry Clerke, President of Saint Mary Magdalen College in the University of Oxford, died March 24, 1687, at Gawthrop Hall, the house of his daughter Lady Shuttleworth, in Lancashire. The Vice-President, Dr. Charles Aldworth, had formal notice of his death on the 29th, being Easter Tuesday.

Dr. Younger, one of the Fellows, who was Chaplain to the

[1] Collier's *Ecclesiastical History*, Part II. Book IX. (vol. viii. p. 473. Lathbury's Edition.)

Princess Anne, had received information in London as early as the 26th, in order that he might make interest with the King for the vacant Presidentship[1]. But he declined the opportunity: and advised Dr. Thomas Smith to use his efforts to secure the place. This last-named Fellow, who also resided in London, went on the Monday to consult the Bishop of Oxford, Dr. Samuel Parker (who was afterwards nominated President by the King), requesting the Bishop to obtain for him the King's recommendation to the College. But upon learning from the Bishop 'that the King expected that the person he recommended should be favourable to his religion,' and that His Majesty would not be satisfied with such a pledge as he was ready to give, 'that he would make it his business to advance piety and learning, to keep men dutiful and obedient to the King's person and government and truly loyal, and to promote true Catholic Christianity;' he answered, 'Then let who will take the Presidentship for me; I will look no more after it[2].' It is clear from this that the King's design of making the College subservient to the interests of the Roman Communion was already formed, and in a measure known: which accounts for the correspondence between the College and the Visitor, the Bishop of Winchester, which followed immediately upon the news of the President's death.

A letter was written March 31st, by the Vice-President and Fellows, requesting his Lordship's advice and assistance: to which the Bishop replied the next day, pressing them to observe the Founder's Statutes in the coming election, and naming the Bishop of Man, Baptist Levinz, a late Fellow of the College, as statutably qualified[3]. This prelate would doubtless have been elected, if he would have accepted the office. But though

[1] Letters of recommendation to the Electors to places on College foundations were very frequently issued at this period. Two, if not three, of the last previous elections of President had been determined in this way. Even in such small matters as the choice of candidates for Demyships Royal Letters were not uncommon. James I sent one to President Langton in favour of Edward Hyde, afterwards Earl of Clarendon, which was disregarded: and the Earl, when he was Chancellor, wrote to President Oliver reminding him how he had been employed by Charles I to tell him 'that if he himself should at any time recommend a person who was not in manners and learning very fully qualified for the favour, he would never take it ill if he were rejected and another chosen more fit:' from which it is clear that such recommendations were not granted as possessing constitutional authority, but merely by way of influential patronage. See Bloxam's *Magdalen College Register*, vol. v. pp. 85, 87.

[2] No. 4–7. [3] No. 12, 13.

he at first said he would stand, and, if elected, would zealously maintain the Statutes in opposition to the Mandamus, he afterwards, upon the remonstrance of his brother, refused the honour[1]. The Mandamus he alluded to was issued by the King on the 5th April, 'willing and requiring the College to elect and admit into the place of President his trusted and well-beloved Anthony Farmer, M.A.,' and dispensing with any Statute, custom or constitution to the contrary. This Anthony Farmer had formerly been of St. John's, then of Trinity College, Cambridge; afterwards he had entered Magdalen Hall in Oxford, and had finally been admitted into Magdalen College, but not on the Foundation. He was therefore not qualified for the office of President under the Founder's Statutes, which restrict that office to such as are or have been Fellows of Magdalen or New College; he was also a man of disorderly and scandalous character; and when the evidence against him came finally to be heard before the Ecclesiastical Commissioners, the Lord Chancellor Jeffries told him 'that that Court looked on him as a very bad man[2].'

On the 8th the Visitor wrote to the College recommending them to draw up an address to the King, setting forth the true state of their case, and to send it with a letter of remonstrance from himself (which he enclosed) to Lord Sunderland.

This was accordingly done next day (April 9th), and on the 10th the College Petition[3] representing Farmer's incapacity, and begging either to be left to act according to their consciences and their Founder's Statutes, or that the King would recommend such a person as might be more serviceable to his Majesty and the College[4], was placed with the Visitor's letter in the hands of the Earl of Sunderland, by Dr. Thomas Smith and Captain Bagshaw, another of the Fellows who had ridden a good part of the preceding night in order to reach London with it in good time. This Petition lay four days in his Lordship's hands, with a promise of his favour, and was then returned with the brief response, 'The King must be obeyed.' 'There is good reason,' says Dr. Routh, 'to believe that the King was unacquainted with the answer given by Lord Sunderland to the petition, and with the College ever petitioning before they elected Hough.'

[1] Note 2, p. 25. [2] No. 91. [3] No. 19. [4] So in No. 309.

This statement seems to rest mainly upon Dr. Thomas Smith's report of an interview which he had with two of the Commissioners, the Bishop of Chester and Baron Jenner, on the 15th of November; and his inference, from the way in which they questioned him about the exact day on which he delivered the College Petition to Lord Sunderland, and that on which he received his answer: and on a conversation of James II with Dr. Ironside, then Vice-Chancellor of Oxford, which is also mentioned in Dr. Smith's Diary[1].

The next day (April 11th) Dr. Thomas Smith, having endeavoured to learn from the Chancellor through a friend the fate of the petition, began, as he tells us, to fear that Lord Sunderland had suppressed it[2].

On the 13th, Lord Sunderland himself said to Dr. Smith, in company with Captain Bagshaw and Dr. Jessop, a late Fellow, who was Chaplain to Lord Sunderland, 'Sir, I have delivered the Bishop of Winchester's letter, and your address, to the King: the King has sent down his letter to the College, and expects to be obeyed[3].'

However this might be, no alternative to the election of his most ineligible nominee was offered by the King to the Vice-President and Fellows.

Having therefore waited till the last day allowed by the Statutes, the great majority, having heard the King's answer from Dr. Thomas Smith, notwithstanding his advice, in which the Vice-President and two other Senior Fellows concurred, that they should defer the election, and petition the King a second time, resolved to proceed in due course to an election. For some time they were running about the Chapel, in their surplices, or standing in knots and talking; but when they had come to a conclusion one of the Seniors went to the Altar and began the Communion Service, upon which they all took their places, except Mr. Charnock, who had been elected by Royal Mandate, and was by this time a declared Papist, and Mr. Thompson, who was one of the band of Pensioners at Whitehall, who went out[4]. The rest having received the Holy Eucharist, and been sworn in order to the election of a President, John

[1] See No. 224; and compare No. 19, note 1, p. 17, and No. 112.
[2] No. 24. [3] No. 27. [4] No. 31.

Hough, B.D., was regularly and statutably elected: Mr. Charnock and Mr. Thompson, who had come back, declaring afterwards *viva voce* for Mr. Farmer, according to the King's Mandate. The meeting lasted nearly five hours[1]. The same afternoon an Instrument[2] bearing the College Seal was drawn up and put into the hands of Mr. Maynard, the Fellow chosen to present the President elect to the Visitor, upon sight of which Mr. Hough was sworn and admitted by the Visitor without delay.

He and his companion started from Oxford on the evening of the 15th; on the 16th he was admitted at Farnham; and, having brought back a certificate to that effect from the Visitor, on the 17th, being Sunday, he took the prescribed and customary oaths, notwithstanding the Declaration of Indulgence, and was installed in the Chapel, where he also took his seat as President at the 4 o'clock Prayers[3].

On the same day the Visitor received and answered a letter from Lord Sunderland, warning him against admitting Hough.

The Visitor's defence was that he had acted according to the Statutes, and therefore had not violated his duty: a plea which is in substance repeated again and again throughout the long and tedious proceedings which followed upon this much contested election.

The Vice-President and Fellows, in their answer to a letter from Lord Sunderland, dated April 21st, requiring them in the King's name to give an account of what they had done, express their confidence that 'a Loyal Society can never suffer in the hands of so generous and gracious a Prince, for what they have done out of a conscientious discharge of the trust reposed in them by their founder[4].' Shortly after (April 24th) they sent up a statement of their case, with extracts from the Statutes on which they relied, and an address to the King. Here they assert the same principles, saying that 'when they had on previous occasions elected in obedience to the King's letters, it had always been in cases where the persons recommended had been every way qualified by the Statutes; in which cases they always had been, and ever would be, ready to comply with his Majesty's pleasure[5],' 'a stubborn and groundless resistance to the Royal

[1] No. 32. [2] No. 37. [3] No 36. [4] No. 48. [5] No. 49.

Will and pleasure being that which their souls eternally abhor[1].' But in the present case they find themselves reduced to the unfortunate necessity of either disobeying his will, or violating their consciences (which his Majesty is studious to preserve) by a notorious perjury[2]. Their reasons for this statement are to be sought in the particular clauses of the College Statutes, to which they refer[3].

It is clear that at this time the electors of Hough were preparing to defend themselves, and it was soon necessary for them to do so.

On the 28th of May a Citation was ordered by the King's Commissioners for Ecclesiastical Causes to be issued against the Vice-President and Fellows, requiring them, or such of them as should be empowered to represent the whole body, to appear at Whitehall on the 6th of June, to answer to such matters as should be objected against them concerning the Election.

At their first appearance on that day the Delegates obtained a week's respite: and on the 13th they gave in their Answer, and a copy of the Statutes[4]. One of the Delegates, Dr. Fairfax, had declined to sign the Answer; and desiring to be heard, he questioned the jurisdiction of the Court, for which, on the 22nd of the same month, he was by the Commissioners suspended from his Fellowship.

The Answer signed by the Vice-President, and four of the other five Fellows chosen to represent the College, proceeds on the same line of defence as has been already indicated.

It sets forth that the College is a Body Corporate, governed by local Statutes, granted to them by King Henry the Sixth, and confirmed by several others of his Majesty's Royal Predecessors, under the great Seal of England.

That by these Statutes the Fellows are bound to elect as President a man of good life and reputation, who is or has been Fellow of their own or New College: and that every Fellow, when he is admitted, swears that he will observe these Statutes,

[1] No. 50. [2] No. 49 and 50.

[3] A similar view had been taken before. In 1648 one of the Master Demies, on being examined by the Parliamentary Visitors, affirmed, 'I can acknowledge no Visitor but the Bishop of Winchester without perjury.' Bloxam's *Magdalen College Register*, vol. v. p. 144.

[4] No. 54–66.

and will not procure, consent to, or make use of any dispensation contrary to this oath, or in contravention of these Statutes, from any authority whatsoever.

They therefore, presuming that his Majesty never intended to dispossess them of their rights, had humbly represented by petition that they could not comply with his Letters in favour of Mr. Farmer, without the violation of their oaths, and the hazard of their property; and having deferred the Election to the last day limited by their Statutes, they did then with all proper forms elect a person every way qualified to be their President; and that the same person had been confirmed by their Visitor, the Bishop of Winchester; and moreover, to the end that they might not lie under his Majesty's displeasure by their proceedings, they had already, on the 19th of April, made humble representations thereof, by their Chancellor, 'setting forth their indispensable obligation to observe their Founder's Statutes [1].'

Other particulars which were probably present to the minds of the Fellows, and may have weighed with them, are mentioned in existing draughts on which this formal answer seems to have been founded; for instance, that Mr. Farmer was 'reported to have left the Communion of the Church of England, which the Fellows are bound to maintain;' 'that the election of a President was not a matter of Ecclesiastical cognizance;' and that the Court before which they were summoned had been erected in defiance of the Act of Charles I by which the Court of High Commission was dissolved. It is also put more plainly in another but apparently unauthorized version of the Answer that the King's Letters Mandatory had been, as they were persuaded, issued under a misapprehension, both in regard to the King's right of appointment, and the character of Mr. Farmer, for which reason they hold themselves excused for non-compliance [2].

On the 22nd of June they supported their plea by allegations as to Farmer's unfitness for the office of President which led to the disappearance of his name from all future proceedings on the part of the King. The evidence which remains upon record is bad enough, and there appears to have been worse behind [3].

The same day the Ecclesiastical Commissioners declared

[1] No. 68. [2] No. 69. [3] No. 75 and 82.

Hough's election void, and 'amoved' him from the place of President [1]. They also suspended Dr. Aldworth from his office of Vice-President, and Dr. Fairfax (as has been already stated) from his Fellowship [2].

The Fellows in residence refused to take any part in the publication of these sentences; and it was not till the 2nd of August that copies were affixed to the College gates by officers of the Court [3].

On the 18th of July the King issued an inhibition against the election or admission to any Fellowship or Demyship until his pleasure should be further signified [4]; in spite of which Henry Holden, Probationer, was admitted actual Fellow at the usual time; an act which was defended as being merely the consummation of a former election [5].

From this point the affairs of the College take another turn.

Hitherto the offence urged against the Vice-President and Fellows had been their disobedience to the Royal Mandate in not electing and admitting Farmer President. But after the final hearing of the evidence against him, on the 29th of July, this point was dropped, and the case turned upon the validity of Hough's election. The Commissioners had pronounced against it on the 22nd of June; and on the 14th of August the King proceeded to act upon their sentence by issuing a Mandate for the admission of Samuel (Parker), Lord Bishop of Oxford to the place of President [6].

This prelate's acquaintance with the King's designs has already been proved by his communications with Dr. Thomas Smith.

The Mandate did not reach the College till the 27th of August. It was accompanied by a letter from Lord Sunderland to the Senior Fellow [7]; and the day following Dr. Alexander Pudsey, who, in the absence of Dr. Fairfax, occupied that position in the College, wrote as commanded to Lord Sunderland, and stated that he had read the letters with all due deference in the Chapel that morning; and that the answer unanimously given by the assembled Fellows was 'that they humbly conceived the place of the President to be full [8].'

[1] No. 76. [2] No. 77. [3] No. 79. [4] No. 87.
[5] No. 87 and 102. [6] No. 95. [7] No. 96. [8] No. 98.

A similar notification was sent to the Bishop of Oxford, who had written to request that, on account of the state of his health, he might be admitted by proxy [1].

After the interval of a week, on Sunday the 4th of September, the Fellows were summoned by Lord Sunderland to appear before the King in the Dean's lodgings at Christ Church [2].

Twenty-one presented themselves. The King reproached them with having behaved to him undutifully and not like gentlemen; saying to them, 'Is this your Church of England loyalty? Go back and shew yourselves good members of the Church of England . . . and admit the Bishop of Oxford Head [3].'

They were recalled that he might enquire into Holden's case, which the King declared to be a fresh aggravation. They twice offered a Petition upon their knees; but the King refused it, saying, 'get you gone, and immediately repair to your Chapel . . . and elect me the Bishop of Oxford forthwith, or else ye shall know what it is to feel the weight of a King's hand [4].'

They accordingly returned to the College and met in the Chapel; but the answer returned by all but Charnock was that what the King required of them did not lie in their power. This answer was attested by a public notary and carried at once to Lord Sunderland [5].

The Petition, which the King refused to receive, was much the same in substance as the statement sent to Lord Sunderland on the 24th of April, with the further observation that having in compliance with their Statutes, elected a President, they had conveyed to him all that right which their Founder had entrusted them with, and that it did not lie in their power to admit any other [6]. This having been rejected, a short Address to his Majesty, asserting the Fellows' loyalty, and their readiness to obey his Royal pleasure in any instance that should not interfere with or violate their conscience, was given on the 6th of September to Lord Sunderland, to be delivered to the King at Bath [7].

The construction put upon this Address, though without much apparent reason, was that if the King should think fit by his own authority to make the Bishop of Oxford President, the

[1] No. 99. [2] No. 101. [3] No. 102. [4] No. 102 and 103.
[5] No. 110. [6] No. 109. [7] No. 113.

Fellows would readily acknowledge and obey him, provided they might be excused from electing him, a thing which they could not do without breach of their oaths.

This interpretation of their words is given in a letter from Lord Sunderland to the Bishop of Oxford, dated the 9th of September[1]. The same course was suggested in certain queries sent anonymously from Windsor on the 15th[2].

The Fellows replied on the 25th that they could not do so without violence to their consciences, and deliberate perjury. At the same time they gave an account of the case of President Bond, the only President, as they alleged, who had ever been admitted without election; and asserted that 'places concerned for the Headships and Fellowships of Colleges are temporal possessions, and cannot be impeached by summary proceedings;' and that no Commissioners, whether in spiritual or temporal cases, can proceed otherwise than according to Law[3].

This of course referred to Hough's professed 'amotion' from the place of President by the Ecclesiastical Commissioners.

During this stage of the proceedings there were several communications held with William Penn, the Quaker, who had been with the King at Oxford, and was said to stand high in his favour.

On the 5th of September he wrote a letter to the King in reference to the Fellows' declaration that they could not admit the Bishop of Oxford, according to the King's Mandate, without the guilt of perjury, 'intimating that such mandates were a force on conscience, and not very agreeable to his other gracious indulgences[4].'

Penn expressed great concern for the welfare of the College; but the President does not seem to have trusted him, although he and several of the Fellows went on the 9th of October to consult with him at Windsor[5].

Penn then urged them to make concessions, though he would not give them the slightest information respecting the measures which the King designed to take against them. Reports had been circulated that a writ of *Quo warranto* had been ordered to be issued against the College with a view to its dissolution, but

[1] No. 116. [2] No. 118. [3] No. 121.
[4] No. 114. [5] No. 128 and 129.

Penn said he knew nothing in particular. However, the President spoke out. 'We have our Statutes and Oaths,' he said, 'to justify us in all we have done hitherto; but setting this aside we have a Religion to defend, and I suppose that you yourself would think us Knaves if we should tamely give it up. The Papists have already got Christ Church and University College; the present struggle is for Magdalen, and they threaten that in a short time they will have the rest.'

To this Penn made some frivolous reply, on which Hough added, 'I see that it is resolved that the papists must have our College, and I think all that we have to do is, to let the world see that they *take* it from us, and that we do not *give it up*.'

These words, which are from a letter of Hough's written the same day[1], ought to be remembered as throwing light upon his motives in the more intricate and technical disputes in which he was soon afterwards engaged with the King's Commissioners.

On the 17th of October the Bishop of Chester Thomas Cartwright, the Lord Chief Justice Sir Robert Wright, and Sir Thomas Jenner one of the Barons of the Exchequer, having been added to the Commissioners for Ecclesiastical affairs, with particular power to them or any two of them to visit Magdalen College, held a meeting and issued their citation to 'Mr. John Hough, the pretended President, and also the Fellows and all other the Scholars and Members of the said College' to appear before them in the Chapel on Friday, the 21st inst., to undergo their Visitation[2]. This citation was fixed on the College gates and on the Chapel door by a King's messenger on the 19th[3].

Before leaving London the Commissioners had received instructions from the Earl of Sunderland, and had had conferences with Father Petre, the King's Confessor, shortly afterwards admitted to the Privy Council, and others. Dr. Thomas Smith had come to Oxford before them; and as both he and two of them kept diaries which have been preserved, and other reports of the proceedings were made at the time, the records from this point become exceedingly minute and full.

The Commissioners entered Oxford, attended by three troops of horse, on Thursday, Oct. 20th.

In opening the Commission the next day, the Bishop of

[1] No. 129. [2] No. 133. [3] No. 140.

Chester made a grandiloquent speech in the College Hall on the duty of submission to the Royal authority. 'Never any true son of the Church of England,' he affirmed, 'was or will be disobedient to his Prince. The loyalty which she hath taught us is absolute and unconditional[1].'

In the afternoon, after asking for a copy of the Commission and being denied it, the President declared in the name of himself and of the greatest part of the Fellows 'that they submitted to the Visitation so far as it was consistent with the Laws of the Land and the Statutes of the College, and no further[2].'

To this the Lord Chief Justice replied, 'You cannot imagine that we act contrary to the Laws of the Land, and as to the Statutes the King has dispensed with them.' The President asserted his continued obligation to observe them. The abrogation of the Mass was brought up against him, to which he replied. Then the decree of the 22nd of June was read, declaring his election null and void. The President took further exceptions to the proceedings and statements of the Commissioners, and they argued several points with him: the Lord Chief Justice asserting that 'a Mandate' for the election of a particular person (though utterly incapable) 'always implies an inhibition in respect of all others.' The Commissioners then demanded the College Registers, with an account of their Revenues, and of their Benefactors, and how their benefactions had been employed, and also a copy of their Leases for the last two years. They then adjourned till the next morning at nine o'clock, in the Common Room: 'the Hall being, as they said, too public and incommodious[3].'

On the 22nd the President was called in alone, and asked first whether he would submit to the sentence of the Commissioners. He gave reasons for considering it a nullity. Then whether he would deliver up the Keys of the President's Office and Lodgings for the use of that person whom the King had appointed President. 'My Lord,' he replied to the Bishop of Chester, 'there neither is nor can be a President so long as I live and obey the Statutes of the College, and therefore I do not think fit to give up my Right, the Keys and Lodgings.' After some further altercation the President was ordered to withdraw. When he

[1] No. 149. [2] No. 155. [3] No. 155.

had been called in again with the Fellows and had repeated his refusal to give up his Keys, the King's Proctor stood up and accused him of contumacy, upon which the Bishop of Chester admonished him to depart peaceably out of the Lodgings, and no longer to act as President or pretended President of the College. They then 'struck his name out of the Buttery Book and admonished the Fellows and others of the Society that they should no longer submit to his authority [1].'

At the afternoon sitting of the same day (Oct. 22), after the Fellows had refused to admit the Bishop of Oxford President, Dr. Hough came in 'with a great crowd of followers [2]' and protested against the proceedings of the morning, and all that had been done in prejudice of him and his Right, as illegal, unjust, and null: 'and therefore,' said he, 'I appeal to my Sovereign Lord the King in his Courts of Justice [3].'

This speech was applauded by certain strangers and young Scholars in the room 'with a great hum,' which the Lords Commissioners resented very much [4]: and the Chief Justice was so incensed therewith that he bound over Dr. Hough in £1000, with two sureties in £500 each, to appear before him at the King's Bench Bar on the 12th of November. The Bishop of Chester then in the name of the Commissioners dismissed his appeal as unreasonable and inadmissible [5]. The same day enquiries were made as to the Fellows' disregard of the King's verbal command at Christ Church, and Dr. Pudsey's letter to Lord Sunderland, to which they declared their continued adhesion.

The next day (Oct. 23) being Sunday, the Earl of Sunderland wrote to acknowledge the receipt of the Commissioners' account of their proceedings which they had sent up on Saturday evening, and to promise the King's pardon to those Fellows who might be brought to submit to the admission of the Bishop of Oxford as their President [6], enclosing a Mandate by virtue of which the Commissioners were authorised, in case the Fellows should persist in refusing to admit the Bishop of Oxford, to admit him themselves, either in person or by proxy [7].

On the 24th, as appears from Baron Jenner's Diary, Dr. Hough had a long, and it would seem friendly interview with the Com-

[1] No. 160. [2] No. 170. [3] No. 166, &c. [4] No. 169.
[5] No. 169. [6] No. 173. [7] No. 174.

missioners[1]. He had quitted the College on the evening of the 22nd[2], and on the 25th he was dining, presumably in London, with the Countess of Ossory, the daughter-in-law of the Duke of Ormond. She then uttered the remarkable words, 'Come, Doctor, be of good comfort; 'tis but twelve months to this day twelvemonth;' and that day twelvemonth Hough was restored[3].

It was thought at this time that the great body of the College would come to terms with the Commissioners. The Bishop of Oxford was installed by proxy in the Chapel on the morning of the 25th[4], and put in possession of the Lodgings: though none of the Fellows, except Mr. Charnock, would assist at either ceremony; and the doors of the President's lodgings were broken open by a smith. The question was then put to the members of the Foundation whether they would submit to the Bishop as their President. Their answer, which was given in writing in the afternoon, was extremely guarded: being that they would submit so far as was lawful and agreeable to the Statutes. There was a further condition which for some time they insisted on adding, but at last withdrew upon the opinion of the legal members of the Commission that it was 'insignificant'; since nothing they could do would in any way invalidate Dr. Hough's title: and that was in the words, 'and in no way prejudicial to the Right and Title of Dr. Hough[5].'

Dr. Thomas Smith submitted more unreservedly[6]. Dr. Fairfax, the Senior Fellow, who in the morning had delivered to the Commissioners a protest against their proceedings, and an argument against the doctrine that a Mandate implies an Inhibition; and Robert Gardiner, the Under Porter, refused to make any submission, and were expelled[7].

The same day the Commissioners reported to Lord Sunderland, without mentioning any qualifications, that all the rest had submitted: that they had left them in good temper, and the Bishop's servants in quiet possession: that they were satisfied as to their general conduct, and the application of their revenues: and that it would be best to leave any individual irregularities to be dealt with by the Bishop of Oxford as President according to

[1] No. 177. [2] No. 168. [3] No. 191. [4] No. 179–181.
[5] No. 186, 192. [6] No. 184. [7] No. 188.

the Statutes. Having thus executed his Majesty's commands, they crave his gracious permission to return to London [1].

They afterwards made some further enquiries as to the College charities, with which they declared themselves more than satisfied [2], dismissed a petition from Dr. Benjamin Rogers, formerly Organist [3], and settled some other minor matters. They inspected the Leases, and affirmed the validity of those which had been sealed after Dr. Hough's Election [4]. But they evidently considered that their chief business was at an end: they were going about seeing sights, paying and receiving visits, and availing themselves of the hospitalities of members of the University, while they impatiently waited for a summons to return. In the meantime the Fellows were much blamed by those who had sympathised with them in their assertion of their rights and liberties, for their compliance, and taunted by the Roman Catholics with pusillanimity. A 'Magdalen College conscience' became a proverb of reproach in Oxford [5]: while from other quarters they were encouraged to persevere in their resistance by promises of support and countenance from men of high position [6]. All this may have had some effect upon their feelings and judgment, and made them less willing to submit. But any designs of compromise in which they might have been willing to acquiesce, were nullified by the action of the King himself.

On the 27th Lord Sunderland wrote to the Commissioners signifying the King's approval of the expulsion of Dr. Hough and Dr. Fairfax, whom he wished to have further punished by being incapacitated for all ecclesiastical preferment, and informing them that his Majesty considered the so-called submission of the Fellows to be nothing of the kind unless it were accompanied by an Address, 'asking pardon for their late offences and obstinacy, and acknowledging the jurisdiction of the Court, and the justice and legality of its proceedings in the whole matter.' He also instructed the Commissioners to appoint two Roman Catholics to Fellowships in the College [7]: of whom one had been obliged to leave the place on the ground of his religion more than forty years before. On the 28th this letter arrived, much to the discomfiture of Baron Jenner, who appears all through to have been

[1] No. 189. [2] No. 195. [3] No. 197. [4] No. 202. [5] No. 210.
[6] No. 224. [7] No. 206.

ashamed of his part in the Visitation, and to have been favourable to the College[1]. The Fellows were summoned again and called upon to make the required acknowledgment, which all who had been concerned in Hough's election refused to do. On the contrary, they gave in a paper signed with twenty names, in which they maintained that they had done nothing but what their Oaths and Statutes indispensably obliged them to. They moreover explained that they did not mean by their answer of the 25th that they would obey the Bishop of Oxford as President, but only that they did not and would not oppose the Royal Authority which put him (in that capacity) into the College[2].

One of them who objected that the mode by which the Bishop had been put in possession was not legal, was suspended from the profits of his Fellowship during his Majesty's pleasure[3].

The same day (Oct. 28) the Commissioners set out on their journey to London, without taking any further steps, although we learn from Baron Jenner that the Bishop (of Chester) 'was for expelling them all presently[4].'

There was then a pause in the succession of events until the 16th of November, when the same Commissioners having been sent down arrived again with the same attendance of soldiers, and summoned all the Fellows of the College to appear before them[5], the King having given directions to treat all who should be absent as guilty and liable to expulsion[6].

The King also enjoined the Commissioners at this time strictly to examine into the management of the College affairs, and to see whether matter might not be found sufficient for a *Quo warranto.*

The Bishop of Oxford had come to reside in the College as President on the 2nd[7]. On the 16th, after Proclamation had been made, the two Roman Catholics named in the Earl of Sunderland's letter of the 27th of October were admitted Fellows, in accordance with the King's Declaration of Indulgence, without taking the Oaths of Allegiance or Supremacy[8]. The Bishop of Chester then made a speech[9] more fulsome and exaggerated than that on the previous occasion (Oct. 21). He told the

[1] See No. 213 and 237. [2] No. 207, 209, and 212. [3] No. 209.
[4] No. 213. [5] No. 223. [6] No. 226. [7] No. 217.
[8] No. 227, 229. [9] No. 229.

Fellows that 'their scruples were not such but that they might without sin have been sacrificed to their Prince's pleasure, as a peace-offering to the Father of their country, to their Mother Church, and to the good of that and all other such charitable Seminaries of good learning and Religion'—sentiments which were thought every way in character in the mouth of a candidate for the Archbishopric of York at that juncture [1].

The form of submission and retractation, prescribed by the King was then read, and they were all called upon to sign it: which all who were concerned refused to do, and were that day expelled to the number of twenty-five [2].

This was the first appearance of the Vice-President before the Oxford Commissioners, and he asked to be heard in his own defence. This was granted; but when he said that to admit a stranger in place of Dr. Hough would be 'a giving up the Rights of the College to other uses than the Founder designed it,' he was interrupted, and told that the Statutes were overruled by the King's authority [3].

This was in fact the point in question throughout: whether the King could arbitrarily and at his own discretion dispense with Statutes which had been authorized as the Law of the Society to which they related, and moreover release members of that Society from the obligation of Oaths which they had taken to observe and maintain those Statutes inviolably. No precedent could be adduced for such wholesale dispensations as the King affected to grant; and it was clear that if the principles which were asserted on his behalf were allowed, all property, no less than all Ecclesiastical benefices, and the whole system of Public Worship, would lie at his absolute disposal.

Many of the Demies were ambitious to share the honour of expulsion for conscience sake, but the Commissioners declined to take account of them. Most of them were deprived, about the beginning of the next year (1688), by the intruded Officers, whose authority they persistently refused to own [4].

After the Visitors had returned to London it was proposed in the Ecclesiastical Commission that the expelled President and Fellows should be incapacitated for all Ecclesiastical appoin-

[1] No. 239. [2] No. 229 and 231. [3] No. 231.
[4] No. 236, 257, and 267.

ments, and those who were not already in Holy Orders for Ordination [1].

Bishop Sprat of Rochester, one of the Commissioners, speaks of this as cruel [2]. Nevertheless after several debates, in the course of which the Lord Chief Justice Herbert gave it as his opinion 'That Dr. Hough's Election was regular [3],' it was passed Dec. 10th [4], though by a majority of 'one only [5],' and ordered to be sent to every Archbishop and Bishop. The prelates however do not seem to have paid much attention to it, as several of the deprived Fellows were instituted to livings during their year of expulsion [6].

The public sympathy was strongly excited in favour of these 'Confessors for the Protestant Religion [7].' Among other contributors the King's daughter Mary, the Princess of Orange, sent £200 to be distributed among them [8]. The Bishop of Oxford admitted more Popish Fellows and Demies, including several Jesuits, upon the King's successive Mandates [9], much, as it would appear, to his chagrin; and on the 21st of March he died, in the Communion of the Church of England [10].

His successor to the title of President was Bonaventura Gifford, Bishop of Madaura, who was admitted upon the King's Mandate on the 31st [11].

To him the King committed the full and sole power of admitting to Fellowships, Demyships, and other places in or belonging to the College such persons as he should 'judge qualified according to the Statutes [12].'

The College, as Dr. Thomas Smith says, 'now filling apace with Popish Priests, and others of the Roman Communion, they seized wholly upon the College Chapel for the uses of their religion.' Dr. Smith would have gone to Oxford to demand

[1] No. 246.

[2] 'I persisted immoveable in my Dissent from every Vote that passed against *Magdalen College* in *Oxford*; from their very first citation before that court, to the cruel incapacitating of the President and Fellows.' A letter from the Bishop of Rochester to the Earl of Dorset concerning his sitting in the late Ecclesiastical Commission. 1688. p. 14.

[3] No. 246. [4] No. 252. [5] No. 253.

[6] Bishop Frampton of Gloucester went further, and refused institution to a Fellow presented by the Bishop of Madaura to the living of Slymbridge. See No. 288.

[7] No. 224. [8] No. 254. [9] No. 258, 274, 276. [10] No. 277.

[11] No. 279. [12] No. 282.

the use of the Chapel for the Service of the Church of England, but he was dissuaded [1]. On the 3rd of August he was expelled [2].

So far it had seemed impossible for a subject successfully to resist the forces which the King could bring into play to beat down any opposition to his will. But it was not long before the complete failure of his arbitrary policy became apparent.

After all the people's affection for liberty and zeal for religion had been excited by the trial of the seven Bishops, when the Army and Navy had given unmistakeable signs of rejecting the King's attempt to force the Roman Catholic Religion upon them; and when the Prince of Orange was making preparations for an immediate expedition to England, the King had recourse to the advice of the Bishops whom he had so long neglected, and so recently insulted. On the 3rd of October the Archbishop of Canterbury, with the other Bishops who were in London, addressed his Majesty, recommending him among other things to restore the expelled President and Fellows [3]. On the 5th the King dissolved the Ecclesiastical Commission [4], and on the 11th he gave orders to Lord Sunderland to write to the Bishop of Winchester, directing him as Visitor of Magdalen College to settle that Society regularly and statutably [5].

The Roman Catholic Bishop Leyburn gave it as his opinion that the expulsion 'had been a spoliation, and that the possession in which the members of his Communion now found themselves was violent and illegal [6].'

The Visitor does not seem to have acted with the same promptitude on this occasion as he did at the beginning of the troubles: and being called away to hear the evidence on the Prince of Wales' birth, after his first arrival in Oxford, before he had taken any steps towards executing his commission, it was commonly believed that the King, being relieved from his immediate fear of the landing of the Prince of Orange, who had

[1] No. 280 and 281.

[2] No. 286. Later in the year he was restored with the President and the rest of the Fellows: and was finally deprived of his Fellowship in July 1692, for refusing to take the oaths to the Prince and Princess of Orange, as he calls them. He endeavoured to steer a middle course between resistance to the King's express will and complicity with his designs against the Church of England, and he found little favour with either party. He went occasionally by the name of Dr. Roguery; and yet he seems to have been an honest and high-principled man.

[3] No. 289. [4] No. 291. [5] No. 292. [6] Note, p. 253.

been driven back by adverse winds, had repented of his repentance, and revoked his tardy concessions.

A close comparison of dates, however, shows that the unfortunate coincidence was merely casual[1]. The King was much displeased to find that his orders to reinstate the Society had not been executed, and sent the Bishop back for that purpose with all speed; and on the 25th of October, exactly twelve months after the Installation of Samuel Parker, John Hough and the rest of the legitimate members of the Society were restored, amid great rejoicings, to their places in the College, and the enjoyment of their statutable rights and privileges[2].

The exact legal and equitable position of the several parties in this protracted and memorable contest has always been open to debate, and will no doubt continue to be a matter on which there will be differences of opinion. Apart from that extreme view of the Prerogative on which the Lawyers especially among the King's supporters relied, as giving his Majesty power to do or undo anything, the strength of the King's case lay in the encroachments upon the Statutes in the matter of Elections to which the College had already been a party; and (from their bearing upon the literal obligation of the oaths taken by the President and Fellows) in the religious changes which had been made, since the time of the Foundation, in due course of Law.

But none of the previous infringements of their Statutes to which the College had yielded at all equalled in extent or importance the complete subversion of their constitution which King James II demanded and attempted to effect.

Moreover perjury is *malum in se*, and as such beyond the scope of the King's power to enforce or sanction: and this seems to have been the reason for the repeated assertions of the Fellows that they could not comply with the King's commands without perjury. The King's agents appealed to precedents: but the only real parallel to Hough's case, or rather Farmer's, was to be found in that of Walter Haddon, who was thrust upon the College in the reign of Edward VI, without statutable qualification or election; and with a similar purpose of transforming the Ecclesiastical system of the place by Royal authority. That attempt was only partially successful; and subsequent events

[1] No. 302. [2] No. 303.

had shown that the times for such a barbaric method of conversion were gone by. The idea of constitutional, as opposed to personal monarchy, had grown in the meanwhile, and it was widely felt that, whatever might be the theory of the law, the Sovereign was not morally justified in setting aside of his own mere motion the legal claims and customary liberties of his subjects.

The members of the College deserve the credit of having seen the critical nature of the occasion, and the important consequences involved in the questions respecting the elections which came before them for decision; of having, on the whole, taken their stand upon the great principles of all good government; and of having vindicated the freedom of conscience from arbitrary interference, and the stability of transmitted rights, whether of property or of action.

With this object they sacrificed their existing means of subsistence, and they risked their future; and when 'things were running apace towards the endangering of our laws and Religion[1],' they maintained the cause of the reformed Church of England and the settled administration of the Law with a degree of sagacity moderation and firmness which entitles them to the approbation and gratitude of all who know the value of sober truth and even-handed justice.

H. R. B.

[1] Bishop of Rochester's second letter to the Earl of Dorset concerning his sitting in the late Ecclesiastical Commission. Second Edition. 1689. p. 11.

APPENDIX TO INTRODUCTION.

1. The present Volume.

In 1884 the Rev. John Rouse Bloxam, D.D., of Beeding Priory, Upper Beeding, Sussex, late Fellow of Magdalen College, compiler of seven volumes of the *Register of Magdalen College* (Oxf. 1853–81), presented to his College a manuscript volume containing his collection of papers connected with the attempt of James II to force a President on the College. The following extracts may be made from his preface:—

'Some forty years ago I proposed to . . . (a publisher) that if he would publish the work on his own account, I would gratuitously compile a narrative of the events connected with the attack of James II on Magdalen College, for which purpose I had already been collecting materials. He declined my offer.... However, it is perhaps as well that the attempt was not made at that time, for various sources of information have since been opened to me both in print and in manuscript, of which I have availed myself, and I now offer the result of my researches to my benefactors, the President and Fellows of Magdalen College, the successors of Dr. Hough and his noble companions . . .

I have only to add my thanks to those who have assisted me in sending me books and manuscripts, in making transcripts of documents from the archives of Magdalen College, from the Bodleian Library, and elsewhere; most especially to Major-General Rigaud, without whose unwearied labours I could scarcely have entered upon such a task in a secluded Parsonage; to Charles Lennox Peel, Esq., Clerk of the Privy Council, who has not only searched the Council books of James II for me, but has supplied me with copies of most valuable documents relating to the period in question; to Edward Maunde Thompson, Keeper of the Manuscripts at the British Museum; to the Rev. Henry Austin Wilson, Librarian of Magdalen College; and to my old and kind friend, the Rev. William Dunn Macray, of the Bodleian Library. J. R. B.'

S. Luke's Day, A.D. 1884.

The volume thus presented to the College is the ground and substance of the present book. On the application of some members of the Oxford Historical Society, Dr. Bloxam at once consented to allow the

documents to be printed, if he were relieved of the task of seeing the book through the press. Accordingly, about five-sixths of the collection are from Dr. Bloxam's manuscript and in the form in which he transcribed them—that is to say, slightly modernised in matters of punctuation, the use of capitals, and the writing in full of all contractions. The few omissions consist of lengthened biographies, portraits, a few side episodes not connected with the College, and some quotations from printed books.

The additions consist of such MS. material as came to hand in the course of preparing the volume to go to press (see the acknowledgements of help on pp. xxxii, xxxiv, xxxviii): but it was thought better that some of the colour, so to speak, and complexion of the originals should be retained, by the expedient (already attempted in the case of Hearne's Collections, now in course of issue by the Society) of reproducing such contractions and abbreviations as are by themselves easily intelligible, so far as ordinary type can represent them. It must be remembered that this is a collection of *documents*, in printing which no uniformity is possible without the undesirable process of thorough modernisation. These are days in which the literary public demands facsimiles in photozincograph rather than editorial changes, and welcomes any device which brings before it the appearance and *entourage* of the original paper, as well as the bare words of its contents. The additions then are printed in facsimile style, and are those marked in the body of the work as *Braybrooke*, *Buckley* or *Johnston MS.*, and in the List of Documents as Bk., By. or Jn. The rest are from the Compiler's volume and are reproduced exactly as they there stand.

The Introduction has been kindly undertaken by the Rev. H. R. Bramley, and the Index by the Rev. H. A. Wilson, both Fellows of Magdalen College: the additional documents and all other letter-press have been contributed by F. Madan, Esq., of Brasenose College, who has taken the whole through the press.

2. Manuscripts.

The following are the more important MSS. connected with the affair of Magdalen College (so far as is at present known), other than official documents of the Crown and College.

(1) The *Braybrooke MS.*, a folio volume in the possession of Lord Braybrooke, who has most courteously allowed the Society to make full use of it, for which grateful acknowledgement is here made. It contains the papers of the Rev. Charles Aldworth, Vice-President of the College

during the contest, and was known to the editor of Bishop Cartwright's Diary. The contents are as follows:—

Contents of Lord Braybrooke's volume lettered 'Proceedings on the case of Magdalen College, Oxford, 1687–8. MSS.'

(There is no foliation, but the documents are numbered in the lower left-hand corner of the first leaf.)

Letter from Dr. M. J. Routh, President of Magdalen College, to the Hon. Richard Neville, 13 Feb. 1824. Thanks for the loan of the following papers. (Orig.: foll. 2. 8°).

1. (Doc. 4.) Notes from the Vice-President's register, 29 Jan. 168$\frac{8}{7}$—4? Apr. 1687. (Copy by Aldworth, pp. 2, foll. 2. Fol.)

2. (Doc. 13.) Letter from the Bp. of Winchester, Visitor of the College, to the V.P. and Fellows, 1 Apr. 1687, indirectly recommending the Bp. of Man to be President. (Orig., signed by the Visitor, p. 1, foll. 2. Fol.)

3. (Doc. 12.) Draft of letter from the V.P. and Fellows to the Visitor [31 Mar. 1687], announcing the death of the President and asking advice. (Orig., in Aldworth's hand, p. 1, foll. 2. 4°.)

4. (Doc. 18.) Letter from the Visitor to the V.P. and Fellows, 1 Apr. 1687, recommending an address to the King and sympathizing with the College in its probable troubles. (Orig., all in the Visitor's hand: p. 1, foll. 2. Fol.)

5. Copies of (1) 'A true narrative of the whole proceedings relating to the late election of the President of St. Mary Magdalene College in Oxon from the death of Dr. Clarke to the resettlement of Dr. Hough and the ejected members:' *beg.* 'An account of what passed at the Election. The Presidentship;' *ends* 'they addresst to his Majestie by their petition bearing date Apr. 9 as follows, viz.' (2) The petition of the V.P. and Fellows to the King, 9 Apr. 1687. (3) Letter from the Visitor to the Earl of Sunderland, 8 Apr. 1687. (4) the King's Mandate to the College 5 Apr. 1687. (fol. 1. La. fol.)

6. (Docc. 23–3.) 'Queries in reference to the admission of a President,' proposed to Dr. Pudsey, with Dr. Pudsey's reply, the latter dated 11 Apr. 1687. (Orig., in Aldworth's hand; the answers in Pudsey's hand, pp.3, foll. 2. Fol.)

7. (Doc. 36.) 'The whole process of our proceedings in the election of a President],' *beg.* 'The death of Dr. Clerke,' *ends* 'his seat in the chapel.' (Orig., in the first person, by Aldworth, foll. 2. Fol.)

8. An account of the election, almost as printed in the *Impartial Relation*, 2nd ed., pp.1–3: *beg.* 'The presidentship,' *ends* 'who was accordingly by y^{e},' at end of page. (Orig., in Aldworth's hand, p. 1, fol. 1. La. fol.)

9. Letter from Lord Sunderland to the V.P. and Fellows, 21 Apr. 1687. (Copy, p. 1, foll. 2. 4°.)

10. Answer of the V.P. and Fellows to the foregoing letter. (Copy, p. 1, foll. 2. Fol.)

11. Petition of the V.P. and Fellows to the King [9 Apr. 1687] (copy, p. 1, fol. 1. Fol.)

12. (Doc. 56.) 'The state of the case of the Vice-President and Fellows...,' a diary of proceedings 31 Mar.–30 May, forming the plea of the College.' (Draft or copy in Aldworth's hand, pp. 2, foll. 2. Fol.)

13. (Doc. 57) Certificate of James Almont, public notary, that the proceedings at the election of Dr. Hough were regular, 2 June, 1687. (Orig., p. 1, fol. 1. Fol.)

14. (Docc. 58, 63, 66, 74, 80.) A breviate of the proceedings before the Lords Commissioners for ecclesiastical causes . . .' 30 May–23 June 1687. (Orig. by Aldworth, pp. 3, foll. 2. Fol.)

15. Notes of replies to the Commissioners' questions and points [May or June, 1687]. (Orig. by Aldworth, pp. 3, foll 2. Fol.)

16. Copies of documents No. 5 (4) and of above. (p. 1, fol. 1. Fol.)

17. Draft of the answer of the V.P. and Fellows to the questions of the Commissioners, with notes of alteration by Dr. Aldworth bringing the answer into near accord with the final answer. (Clerk's copy, with Aldworth's notes, pp. 4, foll. 2. Fol.)

18. Copy of the Answer to the questions of the Commissioners in its final state. (Clerk's copy, pp. 2, foll. 2. Fol.)

19. The reasons of the V.P. and Fellows, why they did not elect Mr. Farmer [delivered 22 June 1687]. (Certified copy, 21 June, 1687, pp. 2, fol. 2. Fol.)

20. A second certified copy of doc. No. 19. (pp. 2, foll. 2. Fol.)

21. 'Copies of [11] letters and certificates delivered in to the Lords Commissioners.' (Certified copy, 25 June, 1687, pp. 6, foll. 4. Fol.)

22. The citation of the V.P. and Fellows by the Lords Commissioners, 28 May, 1687. (Copy, p. 1, foll. 2. Fol.)

23. (Doc. 20) Letter from Thomas Smith to Dr. Aldworth [Apr. 1687], discussing the Petition. (Orig., pp. 3, foll. 2. 4°.)

24–25. (Doc. 72.) Draft by Dr. Aldworth of a reply to the questions of the Commissioners [May or June 1687], written in the first person, apparently to the Commissioners, quite different from art. 15. (Orig., pp. 7, foll. 4. 4°.)

26. Answer of the V.P. and Fellows to the citation of the Commissioners [early in June? 1687]. (Copy, pp. 1¼, fol. 1. La. fol.: different from the known replies, but in a final form.)

27. Two Orders of the High Commissioners, 22 June 1687, with a note that they were affixed to the College gate 2 August, 1697. (Copies by Dr. Aldworth, the note being his: p. 1, fol. 1. Fol.)

28. (Doc. 86.) Letter from John Smith to Dr. Aldworth, 13 July, 1687, discussing the College affairs. (Prob. orig., p. 1, fol. 1. 4°.)

29. (1) The King's mandate to the College for the election of the Bp. of Oxford as President, 14 Aug. 1687, with (2) the Bishop's own letter to the College, dated 27 Aug. 1687. Also (3) Lord Sunderland's letter to the College from *Bath*, 21 Aug. 1687. (4) (Doc. 100–101.), Lord Sunderland's letter to the College bidding them attend the King at Christ Church, 4 Sept. 1687. (Copi by Aldworth, pp. 2, fol. 1. Fol.)

30. Hasty copy of the Address of the Fellows to the King, 6 Sept. 1687.

31. (Doc. 103.) Conversation of the King with Dr. Pudsey, 3 Sept. 168 followed by notes of proceedings which followed and the Petition of th

Fellows, refused by the King, 4 Sept. 1687. (In Dr. Aldworth's hand, pp. 4, foll 2. 4°.)

32. 'Reasons against our debate with the Judges' [Oct. 1687 ?]. (Copy, p. 1, foll. 2. Fol.)

33. 'An account of the visitation of Magdalen College,' 19–28 Oct. 1687, almost as in the *Impartial Relation*, pp. 35–36. (Copy, pp. 24, foll. 13. 4°.)

34. (Doc. 216.) Letter from John Aldworth to Dr. Aldworth his brother, 31 Oct. 1687, giving an account of the latter part of the Visitation and of the subsequent proceedings. (Orig., pp. 2, foll. 2. Fol.)

35. 'His Majesties Instructions to the Visitors,' *beg.* 'The King having seen,' *ends* 'proceeded against accordingly.' (Copy, pp. 2. Fol.)

36. 'An account of the proceedings before the Commissioners for Visitation . . ., 16 Nov. 1687,' nearly as *Imp. Rel.* p. 60–62. (Copy by Dr. Aldworth, pp. 2, foll. 2. Fol.)

37. Dr. Aldworth's speeches [16 Nov. 1687]. In Dr. Aldworth's hand, pp. 2, foll 2. 4°.)

38. (Doc. 53.) 'A defence of the late election of the President . . .' [7 May ? 1687], full notes by Dr. Aldworth of the legal points, questions submitted to the Vice-Chancellor of Cambridge, with his replies, etc. (Orig., pp. 8, foll. 4. Fol.)

39. (Doc. 221.) Letter from R. Aldworth to Dr. Aldworth his brother, 12 Nov. 1687, commenting on some answers to objections, possibly the preceding document. (Orig. p. 1, foll. 2. 4°.)

40. Extract from Coke's Institutes, part 4, cap. 44, of the Courts in the Universities of Oxford and Cambridge. (In Dr. Aldworth's hand, with a few notes by him; pp. 4, foll. 2. 4°.)

41. (Doc. 220.) Notes by Dr. Aldworth as heads of speeches to be delivered by him to the Commissioners, and varying according to the possible demands made on him. [Nov ? 1687]. (Orig., in Dr. Aldworth's hand, pp. 4, foll. 4. 4°.)

42. (1) 'Finis et conclusio Statutorum,' (2) 'Part of the Oath taken by every Fellow at his admission,' (3) extracts from the Vice-President's Register, 1552–53, and from the Register of Admissions, 1549. (Copies by Dr. Aldworth, pp. 3, foll. 2. 4°.)

43. (1) Extracts from the Statutes of the College, (2) extracts as art. 42 (3) above.

44. (1) The substance of the statute De electione Præsidentis, (2) The queries proposed to Dr. Pudsey, as in art. 6. (In Dr. Aldworth's hand, pp. 2, foll. 2. Fol.)

45. 'Finis et conclusio Statutorum,' as art. 42 (1). (In Dr. Aldworth's hand, with a few notes: pp. 2, foll. 2. Fol.)

46. 'Statutum de numero scholarium et de electione Præsidentis.' (Copy: pp. 9, foll. 6. Fol.)

47. Extract from the Vice-President's Register (?) 5 Apr. 1589, giving the Queen's Letters Patent for the election of Dr. Bond as President.

48. (1) Extracts from the College Statute; (2) (Doc. 52) 'The case of St.

Mary Magdalen College Oxon relating to the election of the President, according to these Statutes.' This is endorsed by Dr. Aldworth, 'Our case stated by myself,' and contains considerations 'for my own vindication in giving way at Stat. Election.' (Orig., by Dr. Aldworth, pp. 4, foll. 2. Fol.)

49–50. 'Finis et conclusio omnium Statutorum.' (Copy, pp. 5, foll. 4. Fol.)

51. Extracts of Statutes, the Vice-President's Register, etc., concerning the election of Dr. Bond, A.D. 1589. (In Dr. Aldworth's hand?, pp. 4, foll. 2. Fol.)

52. (1) 'An abstract of the statute de electione Præsidentis,' in Latin. (2) Oaths to be taken in the course of the election, in Latin. (Copies by Dr. Aldworth, pp. 4, foll. 2. 4°.)

53. Letters from N. Bacon, Lord Privy Seal, 25 Nov. 1561, and the Visitor of the College (25 Nov. 1561), to the V.P. and Fellows, in the matter of the deprivation of Dr. Coveney, President of the College, from the Vice-President's Register. (Copies in the same hand as art. 51, pp. 2, foll. 2. Fol.)

54. Anthony Farmer's Vindication of himself [27 June, 1687]. (Copy, pp. 7, foll. 7. Fol.)

55. Reasons of the V.P. and Fellows, as art. 19. (Certified copy, pp. 2, foll. 2. Fol.)

56. (1) (Doc. 290.) List of the 40 Fellows, with notes whether they were expelled or submitted, etc., and of the elections made by the Commissioners. (2) Dr. Aldworth's account of money owing by him to the College and others and by the College to him, presumably at the date of his expulsion. (Orig. in Dr. Aldworth's hand, pp. 3, foll. 2. Fol.)

57. (Doc. 293.) Letter from Thomas Clarges to Dr. Aldworth, 11 Oct. 1688, announcing that the King was about to restore the expelled Fellows. (Orig., pp. 2, foll. 2. Fol.)

58. The answer of the V.P. and Fellows to the Commissioners, 13 June, 1687. (Certified copy, 13 June, 1687: pp. 3, foll. 2. La. fol.)

59. Extracts from the Statutes of the College, in Latin, with notes concerning the use of certain moneys left by the Founder to meet law charges which were proposed to be used. (Perhaps in Dr. Aldworth's hand, imperfect, pp. 2, fol. 1. Fol.)

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(2) The *Buckley MS.*, a folio volume in the possession of the Rev. W. E. Buckley, of Middleton Cheney Rectory, Banbury, who kindly entrusted the volume to the editors' hands with permission to print any part of it. The Rev. H. A. Wilson has made the following notes of its contents, omitting some of the commoner papers:—

Dr. Hedges' MSS. relating to Magdalen College.

Fol. 1. Form of citation.

3–4. (Doc. 192.) Letter from John Smith, Fellow, to Dr. Hedges. Oct. 26, 1687.

5. Note by Dr. Hedges.

7. Memorandum as to the opening of proceedings.

8. Abstract, or notes of proceedings from Oct. 18.

19. Draft of a letter from the Commissioners to Lord Sunderland, desiring power to admit the Bp. of Oxford by proxy. A memorandum at the bottom.

20. (Doc. 230, as are the next three artt.: see Errata.) Notes of proceedings 16. Nov.—

Admission of Joyner and Allibone.
Summoning of the Fellows.
Bp. Cartwright's speech.
Dr. Aldworth's speech.
Answers of the various Fellows.
Sentence.
Admissions in places of expelled Fellows.
Form of submission.

22. Notes as to proceedings Oct. 25.
Form of submission proposed Oct. 25.

26. Notes of proceedings on Friday (Oct 21 ?) and Oct. 28. (col. 2.)

28. Notes of proceedings Oct. 22.

29–30. Answers of the various Fellows as to admitting Bp. of Oxford.

31. Rough notes of what is found at fol. 10.

34, col. 2 and verso. Case of Benjamin Rogers, notes.

38. Sentence on Dr. Fairfax, Oct. 25.

38 v. „ „ the Fellows.

42. Copy of a commission 10 Eliz. to visit C. C. C. (sent with the next).

44. Letter from Doctors' Commons to Dr. Hedges. Oct. 20, 1687.

46 v. and 47. Notes and extracts.

48. (Doc. 136.) Letter from Bp. of Chester to Dr. Hedges. Oct. 17.

50. Notes on case of Alban Francis and University of Cambridge.

51. Statute of Eliz. on the point above.

53. Note as to reasons against inquiring into a case (not specified).

56–8. Notes on Acts relating to the Common Prayer Book.

59. Notes as to Royal power of visitation.

61–68. Notes on various points of the case, being heads of arguments and propositions for the King as against the College. Those at fol. 64 and fol. 68, which are much alike, may have been in the hands of the Commissioners.

70–88. Papers relating to the case of Anth. Farmer, for whom Dr. Hedges was Counsel.

89. An Apology of Dr. Hedges.

91. Notes of a conversation between the King, the Lord Chancellor, Lord Sunderland, and Dr. Hedges, Oct. 14.

94. Notes of a previous conversation with the Lord Chancellor and of another, Oct 13.

98. Opinion of Dr. Hedges given Dec. 8, against incapacitating the deprived Fellows.

99 v. Notes of a private consultation on the same subject, Dec. 6. (Continued fol. 101.)

100. A memorandum.

102. A more careful Apology, signed.

106. A letter from Dr. Stafford, referred to in the last.

(Foll. 107–156 are concerned with the Sharpe and Compton case; 157 to end, correspondence between Johnson and Hedges about the Visitatorial power.)

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(3) The *Johnston MS.*, a folio volume kindly deposited by its owner, F. B. Frank, Esq., of Campsall Park, near Doncaster, in the British Museum for the use of the Society. The contents are:—

Contents of MS. Johnston.

(An old irregular numbering runs through the volume beginning with p. 79: which is here used for reference).

General Description.—Papers and collections made by, and *chiefly* in the handwriting of N. Johnston: partly a portion of the MS. copy of his *Visitatorial power*, from which the book was printed.

pp. 79–210. Notes and papers chiefly in Nathaniel Johnston's hand, on which is based his book on the King's Visitatorial power: with very little about Magdalen.

p. 215. Letter from Philip, Bp. elect of Aureli(an)ople asking (Johnston's) opinion about the authority of the King over bulls from the Pope. (The endorsement is p. 226.)

p. 217. (Doc. 272.) Letter from Walker, 14 Feb. 168$\frac{7}{8}$, to Johnston, about King's Visitatorial power.

p. 221. (Doc. 273.) Do. 19 Feb. 168$\frac{7}{8}$.

p. 241–4. (Docc. 283, 285.) Two letters from Tho. Fairfax (to Johnston?) 4 and 9 July 1688.

p. 291. Considerations on the 6th chap. of Dr. Johnston's treatise.

p. 313–4. (Doc. 126.) Objections in the case of Magd. Coll. referred to 'his Majesty's learned Council' to be answered. (Ten in number.)

pp. 323, 325. (Doc. 127.) Answers to the above.

p. 379. Draft of a letter beginning 'My Lord, It hath been the greate felicity of this college:' *ends* 'surgeon or apothecary.' Not important, in Johnston's hand.

p. 381. Letter from Rob. Brady to Johnston, 6 July, 1688, partly answering pp. 313–4.

pp. 481–4, 487–end. (Ordinary copies of papers about Magdalen College: chiefly from the Register of the College.)

p. 485. Paper by Tho. Smith read to the Fellows, on his return fron presenting the petition to the King, dated 10 Apr. 1687, *beg.* 'Gentlemen it is my opinion.' Dated 14 Apr. 1687.

The last page is 518.

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(4) The *Rawlinson MS.* in the Bodleian Library (MS. Rawl. D. 390, foll. 24–54): noticed by the Rev. W. D. Macray as follows:—

Rawlinson MS. D. 390.

A collection of papers relating to the visitation of Magdalen College in 1687.

1. Transcripts by one hand: 'A letter to Dr. F[airfax], Aug. 8, 1687;' 'A letter to Dr. T[homas] S[mith],' Oct. 20, 1687; 'A letter with some quæries sent to the Lords Commissioners at Oxon,' Oct. 24, 1687; 'A letter to Dr. Hedges, Oct. 20, 1687;' A letter to the Lord Chief Justice Wright, not dated; 'Dr. Fairfax's Plea, not delivered.' Foll. 24–32.

2. An account of the proceedings, beginning on Oct. 19, to Nov. 16. Foll. 33, 39.

3. Petition from the College to the King. Fol. 42.

4. Fragmentary notes of the proceedings on 16 Nov. Foll. 44, 49.

5. Two lists of the Fellows and Demies, marking those who did and who did not submit. Foll. 45, 46.

6. Answer of the College to questions from the Commissioners as to the relief given by the College to the poor in fulfilment of charitable benefactions; 22 Oct. Fol. 47.

7. Summons to the College to appear before the Council, 1 July; summons to appear before the Visitors, 17 Oct.; opinion of Dr. Bourchier as to the obligations to obey the King's commands. Foll. 48, 41, 50.

8. Answer of the Vice-President and the deputed Fellows of the College to the question, why did they not elect Dr. Farmer. Fol. 51.

9. Copy of a letter signed C. C., giving a report of the Bishop of Chester's first speech to the College; dated Tring, 3 March, 1688. Fol. 53.

The MS. material used by Dr. Bloxam besides a few separate original papers, and the official Registers of Magdalen College, is:

(5) The Diary of Baron Jenner, one of the Commissioners.

(6) Letters from Henry Holden, one of the Fellows, to his father.

(7) Account of the proceedings of George Hunt, Fellow.

These three are in Magdalen College Library.

The above will serve as examples of the class of manuscripts from which, and from printed sources, this volume has been compiled. It would be easy to extend the list by referring to such volumes as British Museum MS. Lansdowne 1045, Sloane 3076, Hargrave 401 (from which Dr. Thomas Smith's Diary was printed, though itself only a transcript), and probably several other volumes of the same kind are in private hands. But it is believed that the present collection leaves little room for any substantial addition.

3. Bibliography.

1*a*. An impartial relation of the whole proceedings against St. Mary Magdalen Colledge in Oxon in . . . in 1687. Containing only matters of fact as they occurred. [by Charles Aldworth, Vice-President of the College. Also attributed to Henry Fairfax, as for instance by one Thomas Collins in Wood's copy in the Bodleian: some thought that Francis Bagshaw was the author.]

pp. (6) + 40: no place, 1688. 4°.

1*b*. —[second issue: Table begins at back of title, catchword of p. 1 *sent*, not *the*.]

1*c*. —An impartial relation of the illegal proceedings against St. Mary Magdalen Colledge in Oxon, in . . . in 1687. Containing only matters of fact as they occurred. The second edition, to which is added the most remarkable passages, omitted in the former, by reason of the severity of the Press. Collected by a Fellow of the said Colledge [C. Aldworth].

pp. (4) + 66 + (2, advertisements of books) + 8 ('a letter to the author of the Vindication of the Ecclesiastical Commissioners, concerning the legality of that Court'). Lond. 1682. 4°. [This edition is often found without the last piece, which the catchword 'A' on p. 66 joins to the first: or if the last piece be found the leaf of advertisements (sign. K 2) is usually torn off.]

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2. The King's Visitatorial Power asserted, being an impartial relation of the late Visitation of St. Mary Magdalen College in Oxford . . . By Nathaniel Johnston . . .

pp. (36) + 352: Lond., 1688. 4°.

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3. A Vindication of the proceedings of His Majesties Ecclesiastical Commissioners against the Bishop of London and the Fellows of Magdalen-College [by Sir Charles Hedges].

pp. (4) + 78: Lond., 1688. 4°.

4*a*. A letter to the author of the Vindication of the Ecclesiastical Commissioners, concerning the legality of that Court. [Signed at end 'Philonomos Anglicus.']

pp. 8: n. pl. [1688?] sm. 4°.

4*b*. — [another edition, with 'Vindication of the proceedings of the Ecclesiastical Commissioners' and 'By Philonomus Anglicus' on title page.]

pp. (2) + 20: 'Eleutheropolis' [1688?] sm. 4°.

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5. An account of the late Visitation at St. Mary Magdal. Colledge in Oxon. by the . . . Bish. of Winton., . . . 24 October 1688 [by Nicholas Cox?, late manciple of St. Edmund Hall].

pp. 4: Lond., 1688. fol.

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6. The history of King James's Ecclesiastical Commission, containing a the proceedings against . . . Magdalen College in Oxford . . . [and other place and persons.]

Lond., 1711. 8°. [pp. 30–52, out of 90, are concerned with Magdalen.]

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7. The life of the Rev. John Hough, D.D. . . . containing many of his letters . . . By John Wilmot . . .
pp. 16 + (2, errata) + 388 : Lond., printed for the author, 1812. 4°.

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8. Proceedings against St. Mary Magdalen College in Oxon, for not electing Anthony Farmer President of the said College, 5 James II, A.D. 1687–88. [Also 'An account of the proceedings at Magdalen College, Oxon, 1687,' being Dr. Thomas Smith's Diary, printed from a Hargrave MS. (No. 401) now in the British Museum.]
Columns 1–112 of vol. 12 of Howell's State Trials, also known as Cobbett's State Trials. Lond., 1812. 8°.

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9. Attempt of King James the Second to force a Dissenter upon Magdalen College, Oxford, April 1687. Compiled from Howell's State Trials, and other sources.
pp. 28 : Oxf., 1834. 8°.

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10. The Diary of Dr. Thomas Cartwright, Bishop of Chester . . . terminating with the Visitation of St. Mary Magdalene College, Oxford, October M.DC.LXXXVII. Now first printed from the original MS. in the possession of the Rev. Joseph Hunter, F.S.A. [by whom the volume was edited].
pp. 18 + 110 : Lond., printed for the Camden Society, 1843. 4°.

F. M.

LIST OF DOCUMENTS.

[Additions to Dr. Bloxam's collection are marked Bk. = Braybrooke MS., By. = Buckley MS., or Jn. = Johnston MS.]

No.	Date.	
	1686.	
1.	July 17.	Appointment of Lords Commissioners for Ecclesiastical Jurisdiction.
2.	„ „	Letter respecting the same.
	1688.	
3.	Jan. 1.	List of Fellows of Magdalen College.
4.	Feb. 7. Mar. 24.	Notes from the Vice-President's Register (Bk.).
	1687.	
5.	Mar. 26.	Dr. Thomas Smith's Narrative.
6.	„ 28.	Do. continued.
7.	„ 29.	Extract from the Vice-President's Register (President's death).
8.		Statutum de electione Praesidentis.
9.	„ 31.	Notice of new election.
10.	„ „	Extract from the Vice-President's Register.
11.	„ „	Do. (Bk.).
12.	„ „	Letter from the College to their Visitor (Bk.).
13.	April 1.	„ „ „ Visitor to the College (Bk.).
14.	„ 1–9.	Notes from the Vice-President's Register (Bk.).
15.	„ 5.	The King's mandate for electing Farmer President.
16.	„ „	Dr. Smith's Narrative.
17.	„ 8.	Visitor's letter to Lord Sunderland.
18.	„ „	Visitor's letter to the College (Bk.).
19.	„ 9.	Petition of the College to the King.
20.	„ 10.	Letter from Dr. Thomas Smith to the Vice-President (Bk.).
21.	„ „	Dr. Smith's Narrative.
22.	„ ?	Queries in reference to the election and admission of a President (Bk.).
23.	„ 11.	Dr. Pudsey's answers to the foregoing queries (Bk.).
24.	„ „	Dr. Smith's Narrative.
25.	„ „	Delivery of the King's Mandate.
26.	„ 12.	Dr. Smith's Narrative.
27.	„ 13.	Do.: reception of Petition by the King.
28.	„ 14.	Do.: action of the College.
29.	„ 15.	Do. do.
30.	„ „	Do. do.
31.	„ „	Do. do.
32.	„ „	Do.: election of Hough as President by the College.
33.	„ „	Official account of the election.
34.	„ „	Dr. Smith's Narrative.

No.	Date. 1687.	
35.	April 15.	Another account of the election.
36.	„ 15–17.	The Vice-President's account: confirmation by the Visitor (Bk.).
37.	„ 16.	Official account of the confirmation.
38.	„ „	Dr. Smith's Narrative.
39.	„ „	No. 37 continued.
40.	„ „	Another account.
41.	„ „	Lord Sunderland's letter to the Visitor.
42.	„ 17.	Answer of the Visitor.
43.	„ „	Return of the President.
44.	„ „	Do.
45.	„ 17–19.	Dr. Smith's Narrative: appeal to the Duke of Ormond to intercede for the College.
46.	„ 18 or 19.	The Appeal.
47.	„ 21.	The King demands an explanation.
48.	„ 23?	Answer of the College.
49.	„ 24.	Statement of the case of the College.
50.	„ 24?	Address to the King.
51.	„ 23–27.	Dr. Smith's Narrative of his own action.
52.	May, early?	The Vice-President's statement of the case of the College (Bk.).
53.	„ 7.	Another defence of the College (Bk.).
54.	„ 28.	Proceedings taken against the College.
55.	„ „	Do.
56.	„ ?	The College Plea (Bk.).
57.	June 2.	Notary's certificate of the election (Bk.).
58.	May 30.	Summons to appear before the Commissioners (Bk.).
59.	June 6.	The Delegates of the Fellows appear as summoned.
60.	„ „	Do.: Dr. Smith's Narrative.
61.	„ „	Do.: Bp. Cartwright's Diary.
62.	„ „	Do.: Official account.
63.	„ „	Proceedings of the Commission (Bk.).
64.	„ 8.	Do.: The Vice-President's letter to Hough.
65.	„ 13.	Second appearance of the Delegates before the Commissioners.
66.	„ „	Do. (Bk.).
67.	„ „	Do.: official account.
68.	„ „	Answer of the Delegates to the question, why Farmer was not elected President.
69.	„ „	Do.: another version.
70.	„ „	Luttrell's Diary.
71.	„ „	Proceedings of the Commissioners.
72.	„ „	The Vice-President's notes for an answer to the Commissioners (Bk.).
73.	„ 22.	Third appearance of the Delegates.
74.	„ „	Do. (Bk.).
75.	„ „	Do.: Bp. Cartwright's Diary.
76.	„ „	Order of the Commissioners, amoving Dr. Hough from the office of President.
77.	„ „	Do., suspending Dr. Aldworth, Vice-President, from his office and Fellowship.
78.	„ „	Do., for publication of the foregoing Decrees.

No.	Date. 1687.		
79.	June	24.	The Decrees published at Oxford (Bk.).
80.	,,	23.	The Decrees sent to Oxford (Bk.).
81.	,,	24.	Reception of the Decrees in the College.
82.	,,	27.	Certificates about Farmer's character delivered to the Commissioners.
83.	July	1.	Farmer's answer to the certificates.
84.	,,	,,	Do., a letter from Mr. Ludford to the President.
85.	,,	,,	Citations of the Commissioners.
86.	,,	13.	Letter from Mr. John Smith to the Vice-President, on recent events (Bk.).
87.	,,	18.	Royal mandate inhibiting the College from elections.
88.	,,	29.	Proceedings of the Commissioners.
89.	,,	,,	Do.: re-issue of orders depriving the President and Vice-President.
90.	,,	,,	Do.
91.	,,	31.	Newsletter of W. Sherwin, No. 1, on recent events.
92.	Aug.	5.	The Deputies of the Fellows give their answer about the orders of June 22.
93.	,,	,,	Do.
94.	,,	8.	Letter on recent events.
95.	,,	14.	Royal mandate appointing the Bishop of Oxford President; see No. 174.
96.	,,	21.	Letter from Lord Sunderland to the Senior Fellow, enforcing the mandate.
97.	,,	,,?	Letter from the Bishop of Oxford to the Senior Fellow, asking for admission to the Presidentship by proxy.
98.	,,	28.	Answer to Lord Sunderland.
99.	,,	,,	Do. to the Bishop of Oxford.
100.	,,	,,?	Do.
101.	Sept.	4.	The King at Oxford.
102.	,,	,,	Do.: interview of the King with the Fellows.
103.	,,	,,	Do. do. (Bk.).
104.	,,	,,	Do. do.: Dr. John Smith's account.
105.	,,	,,	Do. do.: Mr. Blathwayt's account.
106.	,,	,,	Do. do.: M. Baurepas's note on the interview.
107.	,,	,,	Proceedings of the Fellows.
108.	,,	,,	Do.: William Penn's attempts to make peace.
109.	,,	,,	Petition of the Fellows rejected by the King.
110.	,,	,,	Meeting of the Fellows in Chapel.
111.	,,	5.	The King's interview with the Vice-Chancellor.
112.	,,	,,	Do.
113.	,,	6.	Address of the Fellows to the King, delivered to Lord Sunderland.
114.	,,	,,	Letter from Mr. Creech to Dr. Charlett on the King's stay at Oxford.
115.	,,	7.	Letter from Mr. Sykes to Dr. Charlett, on recent events at Oxfo
116.	,,	9.	Letter from Lord Sunderland to the Bishop of Oxford, on c conduct of the Fellows.
117.	,,	16.	Letter from Mr. Sykes to Dr. Charlett.
118.	,,	15.	Anonymous queries sent to the Fellows from Windsor in orde their submission.

No.	Date. 1687.	
119.	Sept 19.	Letter from Lord Sunderland to the Bishop of Oxford.
120.	„ „	Do. to the Vice-Chancellor.
121.	„ 25.	Answer to the anonymous queries (No. 118).
122.	„ end?	Penn's intercession.
123.	„ „	Penn's letter (see *Errata*).
124.	Oct. 3.	Answer to Penn's letter.
125.	Sept. 25.	Newsletter of W. Sherwin, No. 2, on recent events.
126.	Oct. ?	Questions proposed to Counsel on the King's side (Jn.). } see *Errata*.
127.	„	Notes of answers to the above (Jn.). }
128.	„ 9.	Conference of Deputies of the Fellows with Penn.
129.	„ „	Account of the Conference, by the President.
130.	„ 13.	Bishop Cartwright's Diary: new Commissioners to visit the College.
131.	„ 14.	Do. do.
132.	„ „	Dr. Smith's Diary: do.
133.	„ 17.	Citation of the College for Oct. 21, by the new Commissioners.
134.	„ „	Bp. Cartwright's Diary.
135.	„ „	Baron Jenner's Diary.
136.	„ „	Meeting of Bp. Cartwright and Dr. Hedges (By.).
137.	„ 18.	Bp. Cartwright's Diary.
138.	„ „	Baron Jenner's Diary.
139.	„ 19.	Bp. Cartwright's Diary: journey to Oxford.
140.	„ „	The Citation.
141.	„ „	Baron Jenner's Diary: journey to Oxford.
142.	„ 20.	Do.: arrival at Oxford.
143.	„ 21.	Bp. Cartwright's Diary: do.
144.	„ 20.	Anonymous letter to Dr. Hedges.
145.	„ „	Do., to Dr. Smith.
146.	„ 21.	Meeting of the Commissioners at Oxford. See Doc. 230.
147.	„ „	Do.: Bp. Cartwright's Diary.
148.	„ „	Do.: Dr. Smith's Diary.
149.	„ „	Do.: Bp. of Chester's speech.
150–1.	„ „	Do., afternoon: Baron Jenner's Diary.
152.	„ „	Do.: Bp. Cartwright's Diary.
153.	„ „	Do.: Dr. Smith's Diary.
154.	„ „	Do.: List of Demies, Chaplains, Clerks and Choristers cited before the Commissioners.
155.	„ „	Do: detailed account.
156.	„ „	Do: Letter from Henry Holden.
157.	„ 22.	Do.: Do.
158.	„ ? „	Anonymous letter to Lord Chief Justice Wright.
159.	„ 22.	Proceedings of the Commissioners: The President's name struck out of the College Books.
160.	„ „	Do.: Do.
161.	„ „	Do.: Dr. Fairfax and the Commissioners.
162.	„ „	Do.: Baron Jenner's Diary.
163.	„ „	Do.: Dr. Smith's Diary.
164.	„ „	Do.: Bp. Cartwright's Diary.
165–6.	„ „	Do.

No.	Date. 1687.	
167.	Oct. 22.	Do.: Dr. Smith's Diary.
168–9.	,, ,,	Do.: Letter from the Commissioners to the Lord President, enclosing No. 169, their report.
170.	,, 22–3.	Do.: Bp. Cartwright's Diary.
171.	,, 23.	Letter from Bp. Cartwright to the Bp. of Oxford.
172.	,, ,,	Baron Jenner's Diary.
173.	,, ,,	The Lord President's answer to No. 168.
174.	,, ,,	Royal mandate enforcing No. 95.
175.	,, 24.	Bp. Cartwright's Diary.
176.	,, ,,	Proclamation of the Vice-Chancellor against interruption of the Commissioners.
177.	,, ,,	Baron Jenner's Diary.
178.	,, 25.	Protest of the College to the Commissioners.
179.	,, ,,	Installation of the Bp. of Oxford by proxy: Baron Jenner's Diary.
180.	,, ,,	Do.: Official notice.
181.	,, ,,	Do.
182.	,, ,,	Action of the Commissioners.
183.	,, ,,	Do.: Bp. Cartwright's last entry in his Diary.
184.	,, ,,	Do.: Dr. Smith's Diary.
185.	,, ,,	Do.
186.	,, ,,	Afternoon: qualified submission of the Fellows to the Bp. of Oxford as President.
187.	,, ,,	Dr. Fairfax expelled.
188.	,, ,,	Dr. Fairfax's Protest, etc.
189.	,, ,,	Report of the Commissioners to the Lord President.
190.	,, ,,	Letter from Mr. Holden.
191.	,, ,,	Anecdote of the Countess of Ossory.
192.	,, ,,	Dr. Fairfax.
193.	,, ,,	Do.: Dr. Smith's Diary.
194.	,, ,,	Do.: Letter from Mr. Holden.
195.	,, 26.	Enquiry into the College Charities.
196.	,, ,,	Do.: Dr. Smith's Diary.
197.	,, ,,	Dr. Rogers's Petition.
198.	,, ,,	Do.: Letter from Mr. Holden.
199.	,, ,,	Letter from John Smith, about his absence (By.).
200.	,, ,,	Baron Jenner's Diary. See also No. 230.
201.	,, 27.	Tramallier's account of the proceedings on the 20th–25th. [Academy.]
202.	,, ,,	Proceedings of the Commissioners.
203.	,, ,,	Dr. Smith's Diary.
204.	,, ,,	Letter from Mr. Holden.
205.	,, ,,	Baron Jenner's Diary.
206.	,, ,,	The King desires further submission from the Fellows.
207.	,, 28.	The Fellows further qualify their former submission.
208.	,, ,,	Do.
209.	,, ,,	Do.: fuller account.
210.	,, ,,	Do.: Dr. Smith's Diary.
211.	,, ,,	Do.: Letter from Mr. Holden.

No.	Date. 1687.	
212.	Oct. 28.	Do.: Newsletter of W. Sherwin, No. 3.
213.	„ „	Do.: Baron Jenner's Diary.
214.	„ 31.	Do.: Newsletter of W. Sherwin, No. 4.
215.	„ „	Do.: Letter from Mr. Holden.
216.	„ „	Do.: Letter from Dr. John Aldworth (Bk.).
217.	Nov. 2.	The Bp. of Oxford occupies the President's Lodgings.
218.	„ 3.	Meeting of the King's Council.
219.	„ 6.	Newsletter of W. Sherwin, No. 5.
220.	„ early?	Draft of the Vice-President's Defence.
221.	„ 12.	Do.: criticism by R. Aldworth (Bk.).
222.	„ 11–13.	Election of New Fellows.
223.	„ 14–15.	The Commissioners again visit Oxford: Baron Jenner's Diary.
224.	„ 15.	Interview between Dr. Smith and the Commissioners: Dr. Smith's Diary.
225–6.	„ ?	Royal instructions to the Commissioners, suggesting a form of submission.
227.	„ 11.	Form of Royal order to elect new Fellows.
228.	„ 15.	Arrival of the Commissioners in Oxford.
229.	„ 16.	The Bp. of Chester's speech, and refusal of the Fellows to submit.
230.	„	Rough notes by Dr. Hedges of the proceedings on Oct. 21–28, Nov. 16, 1687. See *Errata.* (By.)
231.	„ 16.	Proceedings about the refusal to submit.
232.	„ „	Do.: Dr. Smith's Diary.
233.	„ „	Do.: with admission of new Fellows.
234.	„ „	List of Fellows who were absent or submitted.
235.	„ „	Speech of Mr. Holt, a Demy.
236.	„ „	Letter from Mr. Sykes to Dr. Charlett about the proceedings.
237.	„ 16–17.	Baron Jenner's Diary.
238.	„ 17.	Newsletter of W. Sherwin, No. 6.
239.	„ „	Tramallier's account of the proceedings, Oct. 28—Nov. 16.
240.	„ 18.	Letter from William Thornton (Sherwin?), on the same subject.
241.	„ „	Dr. Smith's Diary, about his conduct in London.
242.	„ „	Do., Do.
243.	„ 20.	Newsletter of W. Sherwin, No. 7.
244.	„ 22.	Do., No. 8.
245.	„ 24–25.	Dr. Smith's Diary, about his own conduct.
246.	„ 28.	Proceedings at a meeting of the King's Council, on the question whether the expelled Fellows should be incapacitated from Ecclesiastical preferment.
247.	„ „	Do.
248.	Dec. 6.	State of Magdalen College, Mr. Hawles.
249.	„ 7.	Do.
250.	„ 8.	Proceedings of the King's Council.
251.	„ 9.	State of the College.
252.	„ 10.	Proceedings of the Council, incapacitating the Fellows from preferment.
253.	„ 12.	Do.
254.	„ —	Dr. Smith's Diary: public feeling.

No.	Date.	
	1687.	
255.	Dec. 17.	State of the College, Mr. Charnock.
256.	,, 25.	Do.
257.	,, 29.	Newsletters of W. Sherwin, No. 9.
258.	,, 31.	Royal mandate for the admission of new Fellows and Demies: with biographical notes.
259.	,, ,,	Dr. Smith's Diary, about the College Chapel.
	1687/8.	
260.	Jan. 4–11.	Admission of new Fellows.
261.	,, 7.	Royal mandate for appointing College Officers.
262.	,, 8.	Newsletter of W. Sherwin, No. 10.
263.	,, 14.	State of the College.
264.	,, 9.	Do.: Letter from Mr. Holden.
265.	,, 15.	Conduct of the Demies: Letter from Mr. Holden.
266.	,, 16.	Expulsion of the Demies.
267.	,, 17.	The form of expulsion.
268.	,, ,,	Newsletter of W. Sherwin, No. 11.
269.	,, 19.	Dr. Smith's Diary.
270.	,, 24–30.	Admissions to places in the College.
271.	,, 31.	Further expulsions of Demies.
272.	Feb. 14.	Letter from Obadiah Walker to Dr. Johnston, on the affairs of the College (Jn.).
273.	,, 19.	Do., Do. (Jn.).
274.	,, 24–Mar. 16.	Admission of Fellows.
275.	Mar. 3.	Letter from the President to the Hon. A. Newport.
276.	,, 14.	Royal mandate appointing Richard Short a Fellow.
277.	,, 21.	Death of the Bp. of Oxford 'President' of the College, with his epitaph.
	1688.	
278.	,, 30.	Admission of Demies.
279.	,, 31.	Bonaventura Gifford appointed 'President,' with letter from D'Adda, the Papal Nuncio.
280.	April	Dr. Smith's Diary, about the College Chapel.
281.	May 21	Do., Do.
282.	June 4.	Royal mandate to Dr. Glifford.
283.	July 4.	Letter from Tho. Fairfax to Dr. Johnston [?], on the College Statutes (Jn.).
284.	,, 5–9.	Admission of Fellows.
285.	,, 9.	Second letter from Tho. Fairfax to Dr. Johnson [?], on the records of the College.
286.	Aug. 3.	Dr. Smith's Diary, about his expulsion.
287.	,, 4–10.	Acts of the College.
288.	,, ,,	Mr. Hawles and Slimbridge.
289.	Oct. 3.	Dr. Smith's Diary: advice to the King to restore the President and Fellows.
290.	,, ,,	Summary of the treatment received by the Fellows under James II. (Bk.)
291.	,, 5.	Suppression of the Ecclesiastical Commission.

No.	Date.	
292.	Oct. 11.	Restoration of the President and Fellows.
293.	„ „	Do.: Letter from Dr. Clarges to Dr. Aldworth (Bk.)
294.	„ 12.	Dr. Smith's Diary, about the Visitor restoring the President, etc.
295.	„ 16.	Delay in the restoration.
296.	„ „	Do.: Dr. Smith's Diary.
297.	„ 21.	Do.: Letter from the Warden of All Souls.
298.	„ 22–5.	The Visitor in Oxford.
299.	Oct.–Nov.	Do., Tramallier's Letter.
300.	Oct. „	Do.
301.	„ „	The delay: Dr. Smith's Diary.
302.	„ „	Do.
303.	„ 24–25.	The final Restoration.
304.	„ 27.	Do.: Letter from Dr. Smith.
305.	„ 25.	Do.: the official account, with lists of the persons restored.
306.	„ „	Do.: list of intruded persons, now expelled.
307.	Dec. 10.	Letter of Father Con, on the recent proceedings.
308.	„ „	Letter of the Earl of Sunderland: Do.
309.	„ „	The King's Vindication of himself.
310.	„ „	The sequel, 1688–1834.
311.	1689.	Do., the case of King's College, Cambridge.

Table of Sundays.

1687.		1687/8.	
Jan.	2, 9, 16, 23, 30.	Jan.	1, 8, 15, 22, 29.
Feb.	6, 13, 20, 27.	Feb.	5, 12, 19, 26.
Mar.	6, 13, 20.	Mar.	4, 11, 18.
1687.		**1688.**	
Mar.	**27.**	**Mar.**	**25.**
Apr.	3[a], 10, 17, 24.	Apr.	1, 8, 15[a], 22, 29.
May	1, 8, 15, 22[b], 29.	May	6, 13, 20, 27.
June	5, 12, 19, 26.	June	3, 10[b], 17, 24.
July	3, 10, 17, 24, 31.	July	1, 8, 15, 22, 29.
Aug.	7, 14, 21, 28.	Aug.	5, 12, 19, 26.
Sept.	4, 11, 18, 25.	Sept.	2, 9, 16, 23, 30.
Oct.	2, 9, 16, 23, 30.	Oct.	7, 14, 21, 28.
Nov.	6, 13, 20, 27.	Nov.	4, 11, 18, 25.
Dec.	4, 11, 18[c], 25.	Dec.	2, 9, 16, 23[c], 30.

[a] Easter Sunday. [b] Trinity Sunday. [c] Advent Sunday.

ERRATA, &c.

(*Contributed by the Rev. H. A. Wilson: corrected in the Index.*)

PAGE

33. l. 19 from bottom, *for* eum *read* cum.

38. l. 20 from bottom, *for* 8th *read* 11th (?): it is 8th in the original.

49. l. 18, *for* Baybrooke *read* Braybrooke.

,, l. 4 from bottom, *for* Eldowes *read* Eddowes (?).

56. l. 23, *for* Beldock *read* Baldock (see Nos. 247, 250).

71. l. 18 and note, *for* Tenefar *read* Jenefar.

99–101 (Doc. 123–124). These are taken from the *Impartial Relation*, pp. 25–27, but modernized. The following corrections or alternatives for the text are from Brit. Mus. MS. Lansdowne 1045, p. 46: p. 99, l. 8, trapan] trappe or ensnare. l. 14, be] but be. l. 15, whether] where. l. 18, instant] juncture. l. 28, prudent] prudential. l. 29, you] men of your ingenious education. l. 31, so] the so. p. 100. l. 2, credit] interest. l. 11, as] which is. l. 14, with] to. l. 20, 128] 138. l. 21, Abbess] abbat. l. 13 from bottom, to] with. l. 5 from bottom, invade] undo. p. 101, l. 12, four] seven, most] many. l. 14, subscribe] submit. The MS. assumes that the letters were written to, and by, the Vice-president. (F. M.)

102. Nos. 126–7 are perhaps misplaced. They deal with questions raised by the Fellows at the Visitation, and are therefore perhaps the result of discussions in October, and themselves belong to a time later than the opening of the Visitation.

106. l. 15, *for* Young *read* Goring (see No. 128).

108. note 1. This, as well as note 2, applies to Sir C. Hedges.

110. line 9 from bottom, *for* hree *read* three.

119. In list of clerks, *for* Rigby *read* Ryaly (?), see pp. 154, 263.

142. line 9 from bottom, *for* Hatton *read* Halton.

153. l. 7 from bottom, *for* Hawley *read* Hawles.

154. In List of Demies, *for* Benjamin Gardiner *read* Bernard Gardiner; *for* Renton *read* Kenton.

In List of Choristers, *for* Slack *read* Clerk.

In List of Clerks, *for* Russell *read* Bassett.

162. l. 2, *for* Hawley *read* Hawles.

,, l. 3, *for* John Bayley *read* James Bayley.

PAGE

170. l. 14, *for* Hwales *read* Hawles.

178. l. 11, *for* Pelham *read* Fulham.

191–203. The notes of No. 230 belong to various days, not in chronological order: the order should be probably this :—

A. *Oct.* 21st, p. 201, l. 20, 'Dr. Aldworth,' to p. 202, l. 23, 'y^e^ petition read.'

B. *Oct.* 22nd, p. 198, l. 16 from bottom, 'Saterday,' to p. 201, l. 19, 'y^e^ manner of admitting.'

C. „ p. 202, l. 24, 'Saterday 2,' to p. 203, l. 15, 'adjourn'd till tuesday.'

D. *Oct.* 25th, p. 194, line 5 from bottom, 'Tuesday, 8,' to p. 197, l. 15, 'in 3 days.'

E. *Oct.* 26th, p. 203, l. 19, 'Wednesday, 9,' to 'reject y^e^ petition.'

F. *Oct.* 27th, p. 203, line 4 from bottom, 'Tuesd. (? Thursd.) betwixt 9 & 10, to end.

G. *Oct.* 28th, p. 197, line 16, 'Friday morning 7 . . . 8,' to p. 198 line 17 from bottom, 'may retract.'

H. *Nov.* 16th, pp. 191–194, l. 6 from bottom.

191. l. 9 from bottom (and through No. 230) *for* Cudford *read* Ludford.

192. l. 14, *for* Hawly *read* Hawl(e)s (?); also p. 193, l. 25 from bottom.

„ l. 26, *for* Baghlaw *read* Bagshaw ?

„ l. 18 from bottom, *for* Bohmant *read* Bateman (?).

„ l. 4 from bottom, *for* Chadnock *read* Charnock.

195. l. 14, *for* ch. G. *read* ch. J. (i. e. Chief Justice).

„ l. 18 from bottom, *for* Tho. *read* The.

196. l. 15 from bottom, *for* Hawley *read* Hawles.

199. l. 6 from bottom, Bp. *should be in italics.*

201. l. 3 from bottom, *for* Taylor *read* Fayrer.

204. l. 17, *for* Tey *read* Fey.

228. l. 27, *for* Setter *read* Seller.

230. l. 16 from bottom, *read* 'alternatim' (?).

234. *for* Adamas *read* Adams; *for* Walkins *read* Watkins (*bis*).

248. l. 12, *for* B. Smith *read* R. Smith.

251. *for* H^r^. Smith *read* F^r^. Smith.

252. *for* Whales *read* Whal(l)ey.

253, note, *for* 1668 *read* 1688.

PROCEEDINGS IN THE CASE OF MAGDALEN COLLEGE, OXFORD, 1687–8.

1.

1686, July 17. The Appointment of Lords Commissioners for Ecclesiastical Jurisdiction.

At the Councill Chambers at Hampton Court,
17 *July*, 1686.

His Majesty was this day pleased to declare that for the prevention of Indiscreet Preaching (his many Exhortations having proved ineffectual) he had granted a Commission for the inspecting Ecclesiastical Affairs to the Lord Archbishop, the Lord Chancellor, Lord Treasurer, Lord President, the Bishops of Durham and Rochester, and the Lord Chief Justice Herbert.

2.

The same.

(*Letter to John Ellis, Esq. from . . . .*)

What takes up most men here is a new Commission that his Majesty has issued out, whereby he is pleased to constitute seven Lords Commissioners for executing and exercising all ecclesiastical jurisdiction: viz. the Lord Archbishop of Canterbury[1], the Bishop of Durham[2], the Bishop of Rochester[3], the Lord Chancellor[4], the Lord Treasurer[5], the Lord President[6], and Lord Chief Justice Herbert. They have power and authority to visit and correct all offences, to enquire of any misdemeanors against the Ecclesiastical Laws, and to punish the offenders by suspension, deprivation, and excommunication, and other Church censures, according as they in justice shall think meet;—to examine into all irregularities and immoralities punishable by Church laws, and even into disorders in marriages; and to call before them and punish any offenders, or any that shall seem to be suspected persons; to cite and swear witnesses; to punish the obstinate and disobedient; to tax and condemn in costs the party prosecuting or prosecuted; to have a Registrar, who is Mr. Bridgman, and a Common Seal with the circumscription of *Sigillum Dominorum Commissariorum S. R. Majestatis ad Causas Ecclesiasticas*. For all this three are to be the Quorum, whereof the Lord Chancellor to be one. They are farther to cause all Universities, Colleges, Cathedral and Collegiate Churches, to bring up their Charters and Statutes when required, and the same to alter as they see cause, and to

[1] Sancroft. He refused to act. Lord Mulgrave was substituted for him.
[2] Crewe. [3] Sprat. [4] Jeffries. [5] Rochester. [6] Sunderland.

add to or diminish from the same, and where there is room, to make such Statutes as any five of them shall think meet, notwithstanding any law, statute, etc. to the contrary. This is the purport of it as far as I can remember.—Ellis, *Original Letters*, 2d series, vol. iv. pp. 96–98.

The greater terrors attended the Court, because it could not sit, unless when Jeffries was present. It was known privately that Sancroft, from respect to the Church, would not act, which gave an opportunity of putting the Bishop of Chester, a Prelate less scrupulous, in his place.—Dalrymple *Memoirs*, vol. ii. p. 77.

3.

A List of the Fellows of S. M. Magdalen College at the commencement of the year 1687.

Charles Aldworth, Vice-President.
Henry Fairfax, Fellow 1659.
Alexander Pudsey.
John Younger.
John Smith.
Thomas Smith, Ludimagister 1663.
Thomas Bayley.
Thomas Stafford.
Charles Hawles.
Robert Almont.
Mainwaring Hammond.
John Rogers.
Richard Strickland.
Francis Smith.
Edward Maynard.
Henry Dobson.
James Bayley.
John Davys.
Francis Bagshaw.
John Hicks.
Jasper Thompson.
James Fayrer.
Joseph Harwar.
Thomas Bateman.
George Hunt.
William Craddock.
John Gilman.
Thomas Ludford.
George Fulham.
Charles Penyston.
Thomas Goodwin.
Robert Hyde.
Edward Yerbury.
Robert Holt.
Robert Thornton, Fellow 1684.
Robert Charnock.
Stephen Weelks, Fellow 1685.
Henry Holden.
William Hooper.

John Hough.

XIII *Seniors present at the Election.*

Charles Aldworth, V. P.
Henry Fairfax, Scrutator.
Alexander Pudsey, Scrutator.
John Smith.
Thomas Smith.
Thomas Bayley.
Thomas Stafford.
Robert Almont.
Mainwaring Hammond.
John Hough.
Richard Strickland.
Edward Maynard.
Henry Dobson.

4.

168$\frac{6}{7}$. Notes from the Vice-President's Register.

7 Febr. 8$\frac{6}{7}$. . . . . . Leave to Mr. Præsid. on acct. of his indisposition he is in a condition to return.

March 24. 8$\frac{6}{7}$. Dr. Clerke præsident dyed at Gawthrop Hall in Lancashire.

Notice given me of his death March 29.

5.

1687, March 26. Dr. Thomas Smith's Narrative.

Hearing from Dr. Ironside, then Vice-Chancellor, and others, that they had met with a report that I had endeavoured to get the King's mandate for the Presidentship of the College, then vacant by the death of Dr. Clerke, I replied that I had as good a pretention (it may be without the least guilt of immodesty) as any other, and that I knew so well how the Presidentship had been disposed by the Kings and Queens of England that I saw no ill or indecency in such an application. But the whole affair in short lies thus:

My friend and colleague Dr. Younger came to my lodging at Charing Cross, London, on Easter Eve, the 26th of March, 1687, about ten of the clock, just as I was going to bed, to acquaint me, that that evening a messenger came to him from my Lady Shuttleworth, in Lancashire, to let him know that her father, Dr. Clerke, died at her house *a few days before*, and that *this was a secret*, and to be made use of accordingly. I told him that the Lady by this quiet and speedy message designed to pay him a particular respect and kindness, as being her Father's intimate and dear friend, and that by all means he should procure by the interest of Princess Anne, whose domestic chaplain he was, and is still, the King's recommendatory letters to the College, which would put the matter out of all possible doubt and question, this being consonant to the often repeated advice I had given him long before of looking after the Presidentship, whenever it should be vacant by Dr. Clerke's resignation (which once he was inclinable enough to have done in favour of Dr. Younger) or by his death, he growing in years and becoming very crazy.

But the Doctor told me, no;—that he had thought often seriously upon it, and now more especially; that such a kind of life did not suit with his genius; that he should be happy enough without it when the living of Bishopstone should fall by the death of the incumbent, who was then about fourscore years of age; that he also absolutely refused meddling with it and stirring for it, and then advised me to look after the Presidentship, and to use my interest in Court to procure it, and take time by the forelock. I thanked him for his information and advice as the effect of a long and dear friendship between us, and told him that it was now late at night, that the next morning being Easter-day I intended to receive the Eucharist in Whitehall Chapel; that that day was too sacred and solemn to do any business in, however that after I had performed my devotion, I would then reflect on his advice and consider what was best to be done.

6.

1687, March 28. Dr. Thomas Smith's Narrative continued.

On Monday morning, the 28th of March, I went to Thistleworth to Dr. Parker, Bishop of Oxford, with whom I had then, and several years before, an intimate acquaintance, to desire him to go to London, and to represent me to the King, and acquaint him with his knowledge of me.

I found him not well, and he assured me that he could not go that little ourney without great inconvenience, but said he, 'I will write for you, and that will be as well.' So I being in haste to return to London, he retired immediately to write the letter, which he said he would give me. After about half an hour he brings me a letter directed to his landlord, where he had lately lodged, dwelling in the Haymarket, saying when he gave it me, 'There is another letter enclosed; you must not know or enquire to whom it is directed. This if any thing will be effectual:' nor would he ever tell me afterwards who the person was to whom he wrote, though I learned it not long after by a mere accident. After three or four days I went to Thistleworth a second time to know what answer he had to his letter; for I was not to stir or say any thing of the business 'till I heard from him. He then told me that he was not my competitor, notwithstanding the noise of the Town that the King would make him President: that the King expected that the person he recommended should be favourable to his religion, and then asked me what I would do, or could do, therein. I replied, 'my Lord, I pray acquaint the King, that if his Majesty shall please to recommend me to the College I will make it my business to advance piety and learning, to keep men dutiful and obedient to his person and government, and truly loyal, and to promote true Catholic Christianity;' and 'I hope,' said I, 'the King will require no more of me, for this is all that I can do.' He answered me; 'This I assure you will not do.' I said to him, 'Then let who will take the Presidentship for me; I will look no more after it; you are the only person I have addressed to about it.' I prayed him upon his next going to Court to acquaint the King with the answer I made, and to assure his Majesty of my unalterable loyalty, whether he should think fit to recommend me or otherwise. After this I made no address in the least to any person either in the Court or out of it, about this matter, as having been fully convinced by the discourse which I had with Bishop Parker that all future attempts, as things then stood, would be vain and to no purpose.

7.

1687, March 29. Extract from the Vice-President's Register.

Notum fecit Mr. Sanderson venerabilem virum Henricum Clerke, Med. Doctorem, et Collegii B. M. Mariæ Magdalenæ in Universitate Oxon. nuper Præsidem in agro Lancastriensi obiisse.

8.

De electione Præsidentis Statutum Coll. B. M. Magd. Oxon

Qualities of the President.

Præsidens omnibus scholaribus, Sociis, clericis, ministris, et quibuncunque aliis existentibus et degentibus in eodem, præsit, Præsidens perpetuo nuncupetur; vir bonæ conversation et honestæ, scientia, bonis moribus et conditionibus, appr batus, in spiritualibus et temporalibus discretus, providus et etiam circur

spectus. Cujus nominationem, electionem et præfectionem, perpetuis futuris temporibus, statuimus, ordinamus et volumus, debere fieri sub hac forma; videlicet, quod, cedente, decedente vel etiam amoto, Præsidente hujusmodi, vel alias dicto Collegio quoquomodo destituto Præsidente, infra duos dies immediate sequentes destitutionem hujusmodi, omnes et singuli Socii nostri Collegii prædicti in Universitate præsentes, per Vice-Præsidentem si præsens fuerit, vel eo absente vel alias impedito, per Socium simpliciter seniorem ipsius nostri Collegii, præmoniti, simul conveniant in capella dicti nostri Collegii, de die nominationis futuri Præsidentis fiendæ, ut convenit, tractaturi: quam nominationis diem, quam citius fieri poterit, infra quindecim dies ex tunc immediate sequentes continue numerandos, pro nominatione hujusmodi facienda, prædictus Vice-Præsidens vel dictus Socius statuat et præfigat, per literas citatorias et monitorias in valvis capellæ dicti Collegii figendas: proviso tamen quod Socios suos absentes, per duodecim dies a tempore præmonitionis in hoc casu fiendæ, priusquam ad futuri Præsidentis nominationem procedant, teneantur et debeant expectare. Quibus hujusmodi duodecim diebus transactis, in crastino convocentur per Vice-Præsidentem, vel ipso absente per Socium seniorem, ad capellam prædictam omnes et singuli Collegii nostri Socii præsentes; cujus quidem Vice-Præsidentis seu, ipso absente, Socii hujusmodi senioris vocationi omnes et singulos Socios antedictos parere volumus, sub pœna perpetuæ amotionis a nostro memorato Collegio, quam non parentes incurrere volumus ipso facto. Quam etiam pœnam omnes et singulos Socios, in nominationibus et electionibus quorumcunque officiariorum interesse habentes, et effectualiter nominare seu eligere renuentes, incurrere volumus ipso facto. Exposita vero per eundem convocantem causa convocationis prædictæ, scilicet pro nominatione futuri Præsidentis facienda, pro Spiritus Sancti gratia in hac parte uberius impetranda, antequam ad nominationem procedant, missam de eodem Spiritu Sancto faciant inter se solenniter celebrari. Qua celebrata, statim legatur hoc præsens statutum plene et perfecte per Vice-Præsidentem, vel ipso absente per Socium prædictum seniorem, palam et publice. Deinde, ad nominationem futuri Præsidentis, exspectatorum, ut præmittitur, absentia non obstante, in forma infra scripta ulterius procedatur. Duo Socii nostri Collegii omnibus aliis Sociis seniores, quos scrutatores in ista nominatione esse voluimus, ac omnes alii Socii supradicti, tactis per ipsos et per ipsorum quemlibet sacrosanctis Dei Evangeliis, coram Vice-Præsidente prædicto, vel ipso impedito seniori Socio præsente, corporale præstent juramentum publice tunc ibidem, quod, postpositis omnimodis amore, favore, odio, timore, invidia, partialitate, affectione consanguinitatis, affinitatis, facultatis et scientiæ, necnon acceptione personarum et patriæ, et occasione quacunque precis aut pretii, cum omni celeritate qua poterint nominabunt unum vel duos de Sociis ipsius Collegii aut de illis qui aliquando fuerint ipsius Collegii Socii et ex causis licitis et honestis inde recesserunt, vel nominabunt unum vel duos de Sociis nostri Collegii beatæ Mariæ Virginis Wyntoniæ in Oxonia, vel de his qui quondam fuerunt Socii ipsius nostri Collegii, et ex causis

Manner of his nomination and election.

Summons of Fellows.

Nomination of two candidates.

Scrutators.

President to be elected from Fellows of Magdalen or New College.

recesserunt honestis. Ita, vero, quod nominent duos ex his prædictis Collegiis, vel ex altero eorundem, in theologia, jure canonico, civili, aut in medicinis Doctores, vel artium Magistros, quos in ipsorum scientiis magis idoneos, sufficientiores, discretiores, utiliores et aptiores ad subeundum, gerendum, faciendum et exercendum, Præsidentis officium, speraverint et firmiter crediderint. Necnon quod illos quos nominaverint sperant et firmiter credunt, quoad bonum et salubre regimen et diligentem curam ipsius Collegii, personarum, statutorum, ac bonorum ejusdem Collegii, terrarum, possessionum, et reddituum, spiritualium et temporalium, et jurium eorundem, conservationem, plus posse proficere debere. Jurabuntque insuper dicti scrutatores, ante ipsum scrutinium, quod votum cujuslibet Sociorum prædictorum in ipsa nominatione diligenter et fideliter examinabunt; qui, ut præmittitur, examinati, coram dictis scrutatoribus sua vota secrete et sigillatim emittere et ea manu propria in scriptis redigere teneantur et debeant: ad quod etiam dictos scrutatores per duos proximos seniores, modo quo præfertur examinatos, arctari volumus et ordinamus. In quo quidem scrutinio, si contingat duas personas vota majoris partis omnium Sociorum tunc præsentium habere, senior dictorum scrutatorum, dicto scrutinio inter se communicato et fideliter calculato, ipsum scrutinium mox de hujusmodi nominatis personis publicet in communi. Qua publicatione facta, illæ personæ pro nominatis habeantur. Si vero in dicto scrutinio in duas personas consensum non fuerit, ut præfertur, absque omni tumultu et contradictione iterum consimile fiat scrutinium; et sic deinceps per tres dies continuos. Quod si in tertio non concordatum fuerit, illi duo pro nominatis habeantur qui, scrutinio inter dictos scrutatores communicato, plures Sociorum nostri Collegii voces, partium comparatione numerum, habere inveniuntur. Si vero nulli duo plures voces simpliciter sed multi æquales voces numero habuerint, illi pro nominatis habeantur qui de habentibus æquales voces numero fuerint seniores; quod per seniorem ipsorum scrutatorem in communi publicetur.

Scrutiny of votes.

Qua publicatione facta, statuimus et volumus Vice-Præsidentem, vel ipso absente Socium simpliciter seniorem præsentem, convocare tredecim Socios seniores Collegii, ad efficacem et finalem electionem unius de personis nominatis, in Præsidentem assumendi et præficiendi. Quibus convenientibus, jurabunt omnes et singuli tredecim seniores prædicti, quod, postpositis omnimodis amore, favore, odio, timore, acceptione personarum et patriæ, ac partialitate facultatis et scientiæ, ac occasione quacunque precis aut pretii, quod cum omni celeritate unum de prædictis nominatis, quem in ipsorum conscientiis magis idoneum, sufficientiorem, discretiorem, utiliorem, et aptiorem crediderint ad exercendum Præsidentis officium, eligent, Vice-Præsidente nostri Collegii, vel, ipso absente, Socio seniore dictos tredecim et quemlibet eorum cum dicto juramento onerante, vel, si Vice-Præsidens de illis tredecim senioribus unus existat, per alterum seniorem simili juramento oneretur. Quo facto, scrutatores in prima nominatione scrutinium de votis prædictorum tredecim seniorum Præsidentem eligere debentium facere teneantur. In quo scrutinio, Socii Præsidentem eligere debentes vota sua pure, simpliciter

Final selection of one of the two named for President.

Oath of electors.

Scrutiny of votes.

et secrete, manibus ipsis scribere teneantur, ipsis scrutatoribus videntibus et auscultantibus. Et prædicti scrutatores, juramento simili præstito, sua vota scribant coram duobus senioribus post eos proximis, pure, simpliciter et secrete. In quo quidem scrutinio, si contingat unam personam vota omnium prædictorum tredecim habere, scrutatores prædicti, dicto scrutinio inter se communicato, ipsum scrutinium de hujusmodi electa persona mox per seniorem illorum publicent in communi. Qua publicatione sic facta, illa persona pro electa habeatur in qua tredecim Socii prædicti consenserint. Si vero in dicto scrutinio in unam personam per dictos tredecim unanimiter consensum non fuerit, nihilominus illa persona pro electa habeatur, absque tumultu, contradictione, querela, appellatione, supplicatione, seu quocunque impedimento juris vel facti, in quam per majorem partem prædictorum tredecim consensum fuerit; et coram omnibus et singulis tunc ibidem præsentibus, celerius quo fieri poterit, pro Præsidente nostri Collegii per unum prædictorum scrutatorum denuntietur. Quibus omnibus sic peractis, nullo alio juris ordine, processu seu solennitate, in hac parte observatis seu etiam requisitis, illa persona, in Præsidentem sic in scrutinio finaliter nominata, citius quo commode fieri poterit per unum seniorem Socium ipsius Collegii, per majorem partem ipsorum tredecim seniorum nominandum, una cum literis electionis prædictæ formam ac præsentis nostri statuti, et nominati hujusmodi juramenti præstandi, tenores plenarie continentibus, sigillo communi dicti Collegii sigillatis, domino Episcopo Wintoniensi, qui pro tempore fuerit, vel, ipso in remotis extra diœcesim suam agente, ipsius in spiritualibus vicario generali, aut, sede Episcopali vacante, custodi spiritualitatis, præsentetur. Quibus literis supra electione seu nominatione hujusmodi, modoque et forma prædictis, absque probatione alia, plenam fidem volumus adhiberi. Qui quidem Socius, cum dicta persona in Præsidentem nominata et electa, mittendus coram dicto Episcopo Wintoniensi, ipsius Collegii tunc Patrono, seu illo cui dictam præsentationem fieri tunc continget, propositionem facere teneatur, dictum Collegium, personam in Præsidentem nominatam, et omnes alias personas dicti Collegii, eidem specialiter, decenter et honorifice, commendando. Ipse vero Episcopus dictus Wintoniensis, seu ipsius vicarius, aut custos spiritualitatis ejusdem, cui dictam præsentationem fieri continget, personam sic electam, absque mora, dispendio, et sine processu judiciario, et absque impugnatione electionis sive nominationis prædictæ, dicti Collegii præficiat extra-judicialiter in Præsidentem. Si autem dominus Episcopus supradictus, aliusve ex prædictis personis ad quem dictam præsentationem fieri contigerit, et ad quem dicti Præsidentis præfectionem spectare volumus, ut præfertur, per quinque dies a tempore præsentationis prædictæ sibi factæ continue numerandos, noluerit personam in forma prædicta electam præficere in Præsidentem, extunc electus hujusmodi eo ipso præsentis nostri statuti vigore in Præsidentem dicti nostri Collegii sit præfectus, et pro et legitimo ac perpetuo Præsidente inibi habeatur. Præsidentem vero hujusmodi quemcunque, statim post præfectionem suam, si hujusmodi præfectio tunc fiat, primo coram illo qui ipsum præfecerit in Præsidentem, et subsequenter in præsentia omnium Sociorum ipsius Collegii præsentium, antequam quoquomodo

Presentation of the President elect to the Bishop of Winchester.

Institution of President.

administret, tactis et inspectis per ipsum sacrosanctis Evangeliis, subscriptum præstare volumus juramentum. 'Ego, N., in Præsidentem Collegii Beatæ Mariæ Magdalenæ in Universitate Oxoniæ nominatus, electus et præfectus, juro, tactis et inspectis per me istis sacrosanctis Evangeliis, quod dictum Collegium, omnia beneficia, terras, tenementa, possessiones, redditus spirituales et temporales, jura, libertates et privilegia, et bona quæcunque ejusdem, necnon et singulos Socios et scholares ipsius Collegii, juxta statuta et ordinationes reverendi patris domini Wilhelmi Wayneflete, Fundatoris ipsius Collegii, absque personarum, scientiarum et facultatum, generis et patriæ acceptione quacunque, regam, custodiam, dirigam et gubernabo, et per alios regi, custodiri, dirigi et gubernari, faciam juxta posse. Item, quod nec Sociis vel scholaribus ejusdem Collegii, in aliqua scientiarum seu facultatum hujusmodi studentibus, occasione scientiæ seu facultatis ejusdem, plus quam Sociis aliis vel scholaribus in scientiis aliis seu facultatibus studentibus, favens ac partialis ero; nec me partem pro aliquo aliqualiter faciam, nec contra justitiam, caritatis et fraternitatis amorem, gravamina vel molestias alicui inferam vel inferri faciam quovismodo; quodque, quantum in me fuerit, correctiones, punitiones, et reformationes debitas, veras, rationabiles atque justas, de quibuscunque delictis, criminibus et excessibus, scholarium et Sociorum dicti Collegii quorumcunque, quoties ubi et quando, ac prout opus fuerit, juxta negotii qualitatem, omnemque vim, formam et effectum, ordinationum et statutorum prædicti Collegii, per dictum reverendum patrem editorum, absque partialitate quacunque, postpositis et cessantibus omnimodis prece, pretio, amore, timore, odio, invidia et favore, necnon affectionibus sanguinitatis, et affinitatis, facultatis seu scientiæ, ac prærogativis spiritualibus ex quibuscunque causis protensis etiam vel conceptis, diligenter et indifferenter faciam et exercebo, et ea per alios fieri et exerceri faciam et etiam procurabo, et ea quæ mea parte fuerint facienda fideliter in omnibus exequar et exequi faciam juxta posse. Et si hujusmodi correctiones, punitiones et reformationes, ut præfertur, debite facere non potero, propter metum et potentiam seu multitudinem delinquentium, ipsorum nomina et cognomina, cum qualitate et quantitate delictorum et excessuum hujusmodi, extunc, quam citius potero, infra mensem, domino Episcopo Wintoniensi, qui pro tempore fuerit, seu, ipso in remotis agente, ejus vicario generali in spiritualibus, vel, sede Wintoniensi vacante, custodi spiritualitatis ejusdem, denuntiabo et revelabo; et per eos hujusmodi correctiones, punitiones et reformationes, juxta statuta et ordinationes prædictas, in omnibus solerter et celeriter fieri procurabo. Item, quod gubernationi et regimini omnium terrarum, possessionum, reddituum spiritualium et temporalium, necnon administrationi bonorum et rerum ad ipsum Collegium qualitercunque pertinentium, cum omni diligentia et providentia mihi a Deo concessis, fideliter et diligenter intendam, ac alios ejusdem Collegii officiarios et ministros, in diversis officiis et ministeriis deputatos et deputandos, intendere faciam, juxta posse. Item, quod omnia et singula bona et catalla dicti Collegii, in commodum et utilitatem Collegii, scholarium

Oath to be taken by the President.

Impartial administration.

Corrections and punishments.

Administration of lands, &c.

et Sociorum prædictorum, prout necessitas ejusdem exegerit, et statuta et ordinationes prædicti reverendi patris in hac parte plenius dictaverint, administrabo, procurabo, et faciam utiliter et fideliter dispensari et in omnibus administrari; et ea quæ residua fuerint et excreverint observabo, et faciam ad incrementum dicti Collegii et commodum fideliter conservari. Item, quod lites, placita et jurgia quæcunque, ipsius Collegii defendam, necnon omnia et singula negotia ipsum Collegium qualitercunque concernentia prosequar diligenter, possessionesque, libertates, privilegia, jura quæcunque, ipsius Collegii manutenebo viriliter et defendam, et faciam ab aliis manuteneri et defendi. Hoc tamen salvo, quod causas, placita, aut lites graves, in quibus verti poterit ipsius Collegii exhæredatio vel grave præjudicium, absque majoris partis omnium Sociorum præsentium dicti Collegii maturo et deliberato consilio et assensu, non incipiam nec movebo, nec inchoari nec moveri faciam quovismodo. Item, quod ultra duos menses continuos vel interpolatis vicibus discontinuos, nisi, ex aliqua causa rationabili per tredecim seniores approbanda, per unicum alium mensem me abesse contigerit, in anno aliquo a dicto Collegio me non absentabo nisi pro negotiis Collegii supradicti. Item, quoties electio vel assumptio scholaris vel scholarium in Collegium prædictum fuerit facienda, ut solum tales eligantur et etiam assumantur quos, secundum conditiones et qualitates in ordinationibus dicti Collegii et statutis expressatas, habiles, et idoneos reputaverim, et quos in scientiis seu facultatibus quibus insistent ad commodum et utilitatem Collegii prædicti plus posse proficere ac debere firmiter crediderim, sine personarum vel patriæ acceptione, amore, odio, invidia et favore, timore, prece ac pretio, postpositis quibuscunque, quantum ad me pertinet, partes meas fideliter interponam et id fieri effectualiter procurabo. Item, in casu quo ab officio meo, ob culpam meam vel etiam propter causam aliquam, me amoveri contingat, vel forsan cedam eidem, si bona aliqua dicti Collegii post amotionem vel cessionem hujusmodi recepero, et quæ per me primis recepta fuerint mihi aut usui meo applicavero vel appropriavero, præter illa quæ mihi pro hujusmodi officio exequendo in dicti Collegii statutis et ordinationibus disponuntur, sed ipsa omnia et singula successori meo, Præsidenti dicti Collegii, et eidem Collegio, ad usum et utilitatem ejusdem Collegii, integre restituam et refundam, absque contradictione seu diminutione quacunque. Item, si per me seu occasione mei aliqua dissensionis materia, iræ vel discordiæ, in dicto Collegio, quod absit! suscitata fuerit, si super ipsa materia per Vice-Præsidentem, Decanos et quinque Socios seniores, finis rationabilis seu placabilis factus non fuerit, tunc ordinationi, dispositioni, laudo et arbitrio, domini Episcopi Wintoniensis, qui pro tempore fuerit, seu, ipso in remotis agente, ejus vicarii in spiritualibus generalis, vel, Episcopali sede Wintoniensi vacante, custodis spiritualitatis ejusdem; et quod eorum aliquis statuerit, ordinaverit et diffiniverit, in ea parte fideliter observabo, et eisdem cum effectu parebo sine contradictione quacunque; cessantibus appellationibus, provocationibus, querelis, ex

Defence of suits.

Consulting Fellows.

Absence.

Elections of scholars.

Surrender of goods of the College in case of deprivation of office.

Submission to the Bishop of Winchester of matters of dissension.

ceptionibus, et aliis juris et facti remediis quibuscunque; necnon omnibus et singulis in vim pacti renuntio in his scriptis. Item, statutum illud de sustentatione et reparatione capellæ et aulæ Collegii supradicti et aliorum ædificiorum ejusdem, quod sic incipitur, 'Item, quia, secundum auctoritates, facilius est destruere,' etc., et omnia in eodem statuto contenta; necnon omnia et singula statuta et ordinationes dicti Collegii Beatæ Mariæ Magdalenæ in Universitate Oxoniensi, per dictum reverendum patrem dominum Wilhelmum Waynefleete, dicti Collegii Fundatorem, edita et edenda, quatenus ipsa me concernunt, secundum literalem et grammaticalem sensum et intellectum eorundem inviolabiliter tenebo, exequar et observabo, et quantum in me fuerit faciam teneri, exequi, et ab aliis observari. Item, si contingat me scire secreta dicti Collegii, ipsa in damnum dicti Collegii nulli extraneo revelabo. Item, quod ad dicti Collegii meliorationem, augmentationem bonorum, terrarum, possessionum, reddituum et jurium ejusdem, et servationem et defensionem, promotionemque et expeditionem negotiorum dicti Collegii quorumcunque, ad quemcunque statum, gradum, dignitatem vel officium, in postero devenero, in sanis consiliis, beneficiis, favoribus et auxiliis, quantum in me fuerit et ad me pertinuerit, diligenter juvabo, et pro eisdem fideliter laborabo, et usque ad finalem et felicem expeditionem negotiorum dictorum juxta posse instabo, quam diu vixero in hoc mundo. Item, quod non procurabo diminutionem, mutationem, translationem seu annullationem, alicujus numeri in aliqua scientia seu facultate, nec etiam numeri dictorum aut cæterorum ministrorum capellæ dicti Collegii, statutis et ordinationibus dicti Collegii limitati, contra formam statutorum et ordinationum ejusdem Collegii, vel ea fieri permittam seu tolerabo, secundum meum posse, seu eisdem consentiam quovismodo. Item, quod nulla alia statuta seu ordinationes, interpretationes, mutationes, injunctiones, declarationes aut expositiones, vel glossas alias præsentibus ordinationibus et statutis, vel qualitercunque vero sensui et intellectui eorundem repugnantes et repugnantia, derogantes vel derogantia, contrarias vel contraria, per quemcunque seu quoscunque, alium vel alios quam per reverendum patrem Wilhelmum Wayneflete, Fundatorem prædictum, fiendas vel fienda quomodolibet, acceptabo vel ad ea consentiam aut ipsa aliqualiter admittam, nec eisdem parebo ullo tempore vel intendam, nec illis vel illorum aliquo ullo modo utar in Collegio prædicto vel extra, tacite vel expresse; sed eis et eorum cuilibet contradicam et etiam resistam expresse, ipsaque fieri viis et modis omnibus quibus scivero impediam juxta posse: interpretationibus tamen, injunctionibus, declarationibus et expositionibus, per reverendos in Christo patres, domini Fundatoris successores, Episcopos Wintonienses, de et supra dubiis statutorum co - tingentibus faciendis, obediam et in effectu parebo. Ite , quod non ero detractor, susurro, seu faciens obloquia, a t provocans invidiam, odium, iram, discordias, contumeli , rixas et jurgia, ac speciales vel præcellentes prærogativas nobilitat , generis, scientiarum, facultatum aut divitiarum allegans, nec inter Soci s

Interpretation of statutes.

College secrets.

Assistance to College in case of promotion.

Maintenance of numbers of students in the different faculties.

Adherence to Founder's statutes.

Interpretation, &c. of Visitors.

Detraction and moving discord.

ejusdem Collegii, vel alios Universitatis Oxoniæ scholares, australes, aquilonares seu boreales, aut scientiarum ad scientias, facultatum ad facultates, patriæ ad patriam, generis ad genus, nobilitatis ad nobilitatem vel ad ignobilitatem, seu alias qualitercunque comparationes, quæ odiosæ sunt, in verbo vel in facto, causa commovendi Socios vel scholares, scientias seu etiam facultates, tacite vel expresse, publice vel occulte, faciam quovismodo. Item, quod nullas conventiculas, conspirationes, confœderationes aut pactiones, aliquas ubicunque, infra regnum Angliæ vel extra, (contra) ordinationes et statuta dicti Collegii concernentia, vel contra ipsius Collegii statum, utilitatem, commodum et honorem, aut contra aliquem Socium dicti Collegii, illicite faciam, vel ipsa procurabo seu permittam ab aliis fieri, quantum in me fuerit, quomodolibet in futuris; seu facientibus ipsa vel eorum aliquod præstabo seu dabo consilium, auxilium vel favorem, aut eisdem scienter interesse præsumam, nec ipsis consentiam tacite vel expresse. Item, de veris et perpetuis Sociis in dicti Collegii eligendis et admittendis fidele consilium, omni favore postposito, tribuam et impendam, ut de bonis personis, castis, honestis, aptis, et ad studendum et proficiendum in actibus scholasticis habilibus et idoneis, juxta formam statutorum dictorum, ac proficere volentibus, provideatur eidem. Atque contra dominum Episcopum Wintoniensem, qui pro tempore fuerit, aut ecclesiam Wintoniensem, Prioremve aut capitulum ipsius ecclesiæ, in aliqua causa ipsam ecclesiam concernente, scienter non ero consilio, auxilio vel favore; causa mea propria et dicti Collegii causa duntaxat exceptis. Item, quod non impetrabo dispensationes aliquas contra juramenta mea prædicta et contra ordinationes et statuta de quibus præmittitur, aut ipsorum aliqua; nec dispensationes hujusmodi per me, alium vel alios, publice vel occulte, impetrari aut fieri procurabo, directe vel indirecte. Et si forsan aliquam meam dispensationem hujusmodi impetrari vel gratis offerri aut concedi contigerit, cujuscunque fuerit auctoritatis, seu si generaliter vel specialiter, aut alias sub quacunque forma verborum concessa, ipsa non utar nec eidem consentiam quovismodo; sicut Deus me adjuvet, et hæc sancta Dei Evangelia. Et si contingat in posterum me, propter mea demerita seu causas in præsentibus ordinationibus et statutis contentas, juxta formam ordinationum et statutorum dictorum, ab officio meo expelli seu alias amoveri, ex certa mea scientia, pure, sponte, simpliciter et absolute, omni actioni, occasione expulsionis seu amotionis hujusmodi, contra ipsius Collegii Socios vel Socium quemcunque instituendæ, appellationique et querelæ in ea parte fiendæ, ac quarumcunque literarum impetrationi, precibus principum, prælatorum, procerum magnatum et aliorum quorumcunque, necnon et quibuscunque curiæ ecclesiasticæ vel sæcularis ac omnibus aliis remediis, juris et facti, per quas aut quæ petere possem me reconciliari vel in integrum restitui, contra præmissa, quantumcunque alias mihi probitatis et vitæ merita suffragentur, in vim pacti renuntio in his scriptis.' Volumusque quod de juramento prædicto, statim fiat instrumentum publicum, signo et sub-

Conspiracies against the College.

Elections of Fellows.

Assistance in causes against the Bishop or Church of Winchester.

Dispensation from oaths or statutes.

Appeal in case of removal from office.

Oath of President to be reduced to the form of a public instrument.

scriptione alicujus notarii publici munitum, ipsius juramenti diemque et formam, ac nomen et cognomen Præsidentis prædicti sic jurantis, ac cujus diœcesis existat, continens; quod in thesaurario communi dicti Collegii nostri perpetuo remaneat sub custodia diligenti.

(Literatim from *Statutes of the Colleges of Oxford*, Lond. 1853, vol. 2.)

9.

1687, March 31. Notice of New Election [1].

The Presidentship of S^t^. Mary Magdalen College in the University of Oxford being void by the death of D^r^. Henry Clerk, late President of the same, the Vice-President, D^r^. Aldworth[2], gave notice to all the Fellows present in the Chapel on Thursday the 31^st^ of March, 1687, when it was unanimously agreed to proceed to the election of a President on Wednesday the 13^th^ of April following, at nine o'clock in the morning, in the Chapel, and in order thereto the Vice-President caused a citation to be fixed on the Chapel door of the said College, signifying the vacancy, time and place of the election, according to the direction of the Statutes; but, before the day of election, being credibly informed that His Majesty had been pleased to grant His Letters mandatory in behalf of M^r^. Anthony Farmer[3], they most humbly represented to His Sacred Majesty in their petition, bearing date April 9^th^, that the said M^r^. Farmer was incapable by their Statutes of being President, and therefore they did most humbly pray His Majesty to leave them to a free election, or recommend such a person to them as was capable by their Statutes.

(*Impartial Relation.*)

10.

1687, March 31. Extract from the Vice-President's Register.

Carolus Aldworth, LL.D., Vice-Præses, convocavit omnes et singulos socios in Collegio præsentes in Capellâ Collegii prædicti, et ex unanimi eorundem consensu decimum tertium diem insequentis Aprilis Electioni Præsidentis horâ nonâ ante-meridianâ in Capellâ peragendæ statuit et præfecit, præmonitis insuper sociis absentibus per literas citatorias ad valvas dictæ capellæ appositas Electioni prædictæ interesse.

[1] For convenience sake I have taken the copy of 'an impartial Relation of the illegal proceedings against S^t^. Mary Magdalen College in Oxon, in the year of our Lord 1687, containing only matters of fact as they occurred'—printed in Cobbett's *Collection of State Trials*, No. 355. vol. xii. p. 4: and the 2^d^ Edition of the Relation.

[2] D^r^. Charles Aldworth. He was supposed, with some probability, to have been the author of 'The Impartial Relation.' Aldworth was connected with the family of Lord Braybrook, in whose possession are some of Aldworth's papers relating to that affair. See a note of D^r^. Routh in his last edition of Burnet's *Reign of King James II*, p. 171 *n*.

[3] Anthony Farmer of Magdalen Hall, M.A. Trin. Coll. Cambridge, incorporated 13 July, 1680. Entered at Magdalen Hall in September 1683. Left the Hall 13 July, 1685, and admitted into Magdalen College. (Anthony Farmer was admitted Pensioner of St. John's College, Cambridge, 3 July, 1673. Son of John Farmer of Frowlesworth, Leicestershire: matriculated 14 Aug. 1672, aged 14. B.A. (Trinity) 1676–7. M.A. 1680. Admitted Scholar at Trinity College 21 April, 1676.)

11.

1687, March 31. Note from the Vice-President's Register.

At a Meeting in ye Chapel after Euening seruice by ye unanimous Agreemt of the Vicepr: & Fellows the 13th of Aprill next was appointed ye day of Election of a New præsid, & a citacon then red to ye fellows, & imediately fixt up at ye chap: door. At ye same time read a letter to ye Visitor in ye Name of ye Vicepr: & Fell: signifying ye death of ye præs: & praying His Ldsp's. aduice & Assistance in ye election.

12.

1687, March 31. Letter from the College to the Visitor.

[*The italics represent erased words, the interlinear being substituted.*]

May it please your Lordship,

By an Express out of Lancashire we have receivd aduice of the death of Dr. Clerke præsident of our College, after Halfe a years absence from *ye Coll.* by reason of his continual sickness & indisposition. *The constant experience we have had* of your Lordships goodness has emboldend us at this time to implore your Lordships aduise & assistance in a business of so great concern to the wellfare of ye College; & to make it our most humble request, That your Lordship would be pleased (*if occasion be*) *to recomend us to His Majesties Grace & favour, and prevent any stranger's being set ouer us.* Your Lordships *summoning* [?] *of us at* this time will *give us that credit & reputacon as will* secure us from ye designs of those who wish ill to us, & lay a perpetual obligacon of duty & gratitude upon

May it please your Lordship,

Your Lordships Most Humble & Most deuoted seruants

The Vicepræs: & Fellows of St. Mary Magd. Coll. in Oxford.

(*Endorsed*)—Our Letter to the Visitor. (*Braybrooke MS.*)

13.

1687, April 1. Letter from the Visitor to the College.

Gentlemen

Your Præsident being Dead, I doe most earnestly press you to the observacon of your Founders Statutes in the Election of a Successor; & shall no farther recomend the Bishop of Man[1], formerly of your Body, then he comes (as I hope he doth) within the Statutable compass of your Favour. I commit you to Gods Protection, & am

Yours affectionately P: Winchestr.

Farnham Castle April 1st 1687.

(*Endorsed*)—To The Reverend the Vice President of Magdalin Colledge Oxon to be forthwith comunicated to the Fellowes. (*Braybrooke MS.*)

[1] Baptist Levinz.

14.

1687, April 1–9. Notes from the Vice-President's Register.

Aprill 1st, The plate in ye præs: lodgings was inuentoryd by ye Vicepr: & Officers & weighd by Pater ye Coll Goldsmith and delivred into ye Bursars custody.

Aprill 2d, The books & writings relating to ye Coll then in ye præs: lodgings his dining room & chamber, were put into 7 boxes nailed & sealed with ye seal manual, & placed in ye lower room in ye tower by ye Vicepr: & Officers.

Aprill 2d, a Letter from ye Visitor to ye Society read in ye chappell, pressing to proceed in ye Election of a præs: according to ye founders Statutes, & recomending to our Choice ye Right Reuer: father in God the Bp. of Man. At ye same time agreed by ye Society, yt ye reparacon of ye Organ (accord: to ye proposals made to ye Coll by Mr. Harris) for weighty Reasons be laid aside at present, & Mr. Harris to proceed in yt worke no farther without fresh instructions from ye Coll. The same day Thomas Williams admitted Clerke in the place of Owen deserting the Coll; He was Sworn by Me Apr: 5th in præsentiâ Jacobi Almont publici Notarij.

Apr: 4th. Mrs. Clerke required by me (per Jac. Almont Notary) not to move or take any . . . . . out of ye præs: Lodgings till the Bursars of ye Coll had Inventoried the Coll . . . .
. . . . Bassett admitted & sworn Clerke in ye place of Mr. Clerke maried & receded from ye Coll.

Apr: 8. in præsentia Jac: Almont Not. publ:

[*Remainder of page torn off.*]

Apr: 9. A Letter from ye Visitor for dispensing with Mr. Ludford 3 years for not taking Orders, approved of by ye Vicepr: (Officio præsi. uacante) Deans & Bursers.

15.

1687, April 5. The King's Mandate.

James R. Trusty and well beloved, we greet you well. Whereas we are well satisfied of the piety, loyalty, and learning of our trusty and well beloved Anthony Farmer, Master of Arts of that our College of St. Mary Magdalen, we have thought fit hereby effectually to recommend him to you for the place of President of our said College now void by the dea[th] of Dr. Clerk, President thereof: willing and requiring you forthwith, upo[n] receipt thereof, to elect and admit him the said Anthony Farmer in the said place of President, with all and singular the rights, privilege emoluments, and advantages thereunto belonging, any statute, custom, constitution to the contrary in any wise notwithstanding, wherewith w[e] are graciously pleased to dispense on his behalf. And so not doubtin[g]

of your ready compliance herein, We bid you farewell. Given at our Court at Whitehall the 5th day of April, 1687. In the third year of our reign[1].

To our trusty and well beloved the Vice-President and Fellows of St. Mary Magdalen College of our University of Oxford.

By his Majesty's Command. Sunderland P.

16.

1687, April 5. Continuation of Dr. Smith's Narrative.

I went over to wait upon my Lord Archbishop of Canterbury at Lambeth;—after dinner his Grace came to me, standing by the window, and spake to me in these words: 'Doctor! will the Presidentship of your College fall into your hands?' I answered, 'No, my Lord, I do not expect it. I shall never agree to the conditions.' He replied, 'What conditions?' I said again in general terms only (without mentioning the discourse I had had a few days before with Bishop Parker), 'I know very well what I say to Your Grace.' 'Then,' said he, without asking any further questions, 'well, Doctor, I know you are an honest man. May you have your reward; if not in this world, yet God is a good paymaster.' So he left me and went to other company.

17.

1687, April 8. The Bishop of Winchester's Letter to the Lord President upon the first noise of the Mandate.

My honored Lord,—The obligation I have upon me as Visitor of St. Mary Magdalen College, Oxon, occasions this address: for I am informed that great endeavours are used with his Majesty to recommend one Mr. Farmer, who is not at present, nor ever was, Fellow of that College, to be President of it, which is directly contrary to the Statutes of the Founder, as I am confident some, who promote Mr. Farmer's interest, cannot be ignorant of. And were there not many persons now actually Fellows, and several who have formerly been (in particular the Bishop of Man and Dr. Jessop), very eminent for their learning and loyalty, and every way qualified according to the Statutes, I should not press your Lordship to lay the concern of the College (which hath upon all occasions expressed its zeal and forwardness in defence of the Crown, and as I particularly know in the great affair of the Succession) before his Majesty, who I hope will leave them to the Rules of their Statutes, which

[1] 'Farmer had not the qualifications required by the Statutes: though an inmate, he was not a Fellow either of that College or of New College in the same University; neither was he distinguished by the extent of his learning, or the regularity of his morals. His sole title to the royal favour sprung from the adroitness with which he had insinuated himself into the good opinion of some among the King's advisers, as a man of loyal principles and well disposed to the (R.) catholic interest.' Lingard, *Hist. of England*, vol. xiii. p. 108.

have hitherto (excepting in the times of Rebellion) been constantly observed, and which will be the highest satisfaction to that truly loyal University, and promote his Majesty's service, which has always been the endeavour of your Lordship's most humble Servant, P. Winchester. Farnham Castle, April 8th, 1687.

To the Right Honourable the Earl of Sunderland, President of the Council, and one of his Majesty's Principal Secretaries of State, These.

(*Johnston*, p. 4.)

18.

1687, April 8. Letter from the Visitor to the College.

Reuerend Mr Vice Præsident & Gentlem . . . . .

I have . . . . . an acco . . . . . of your Affaires, & am very sorry to find them in such a Posture. My advice is, that you forthwith draw vp an Address to his Majestie & therein sett forth the true state of your Case, & dispatch it with my Letter. Next I make it my Request, that vpon the Consideration of Mr. Ludfords applying himself to the Study of Physick thereby to Qualyfie himself for a Lay Place in that Faculty, that you would dispence with him from entring into Holy Orders for the space of three yeares, I looking vpon it as a Statutable Impediment.

I am very much concerned the Colledge is likely to be involved in so great difficulties & pray for a happy Issue who am

Your Affectionate Friend

P: Winchestr.

Farnham Castle

April ye 8th 1687.

(*Endorsed*)—To the Vice Præsident & Fellowes of St. Mary Magdalin Colledge Oxon.

(*Braybrooke MS.*)

19.

[1687, April 9.] Petition from the College to the King.

'To the Kings most excellent Majesty. The humble Petition of the Vice-President and Fellows of St. Mary Magdalen College in Oxon: most humbly sheweth,—We have been credibly informed that Mr. Anthony Farmer, who was not of our Foundation, has obtained your most excellent Majestys recommendation to be President of your Majesty's College in the room of Dr. Henry Clerk deceased.

We therefore with all submission, as becomes your most dutiful and loyal subjects, most humbly represent to your Sacred Majesty that the said Mr. Farmer is a Person in several respects uncapable of that character, according to our Founder's Statutes; and do most earnestly beseech your Majesty, as your Majesty shall judge fittest in your most princely wisdom, either to leave us to the discharge of our duty and consciences, according to your Majesty's late most gracious Toleration[1] and our Founder's Statutes, or to recommend such a Person, who may

[1] Johnston remarks that the word was *Declaration* not Toleration, p. 6.

be most serviceable to your Majesty's College. And your Petitioners shall ever pray, &c.'

This Petition was delivered to the Earl of Sunderland by Dr. Thomas Smith, and Captain Bagshaw.

The Petition lay four days in his Lordship's hands, with a promise of his favour, and then returned with 'The King must be obeyed[1].'

It was signed by

Charles Aldworth, V.P.
Henry Fairfax, S.T.D.
Alexander Pudsey, S.T.D.
Thomas Smith, S.T.D.
Thomas Bayley, S.T.D.
Thomas Stafford, LL.D.
Mainwaring Hammond, S.T.D.
Richard Strickland, M.A.
Henry Dobson, M.A.
James Bayley, M.A.
John Davys, M.A.
Jasper Thompson, M.A.
Francis Bagshaw, M.A.
James Fayrer, M.A.
Joseph Harwar, M.A.
Thomas Ludford, M.A.
Thomas Goodwin, M.A.
Robert Hyde, M.A.
Edward Yerbury, M.A.
Robert Holt, M.A.
Stephen Weelkes, M.A.

(*Impartial Relation, etc.*)

20.

[1687, April 10.] Letter from Tho. Smith to the Vice-President.

Mr. Vice-president,

If my health had permitted, I had been at home as last night, or to morrow at furthest: for all this last weeke I have been afflicted with a sad paine in my right kidney, occasioned by a Stone, I feare, lodged there.

I did not know of any Mandate either ordered or much less drawn up, signed & sealed til late Thursday night: & meeting accidentally with Dr. Jessop hee assured mee, that hee had written the post before to Dr. Levett with an earnest request yt hee should communicate the contents of his letter to you: wch made mee forbeare writing an after-accompt of the ill newes; & not knowing how the Mandate was worded, it was not any way adviseable to seem to direct you in this great affaire, or to interpose my private opinion. But to my great joy & satisfaction Mr. Bagshaw found mee out about 2 houres since in my lodging, & communicated to mee the resolution wch you had made, wherein you have done like men of great honour, honesty & conscience. Having signed the petition to ye King with greater heartines then I ever signed any paper in my life, I judged it most proper to hasten away to Whitehall to wait upon my Lord Presidt to whom wee were introduced after some attendance. Wee gave my Lord of Wintons letter into his hands, wch having read hee asked us, if wee were both of the College. I told him yt wee were both actually Fellowes of ye house, & yt ye Gentleman with mee had been a Capt. of one of ye companyes raisd by ye Vniversity in ye defense of his Maty &c &, withall told him, yt wee had a petition with us. wch wee desired his Lordship to present to ye K., wch having read hee said, hee would represent ye case to ye King. I further added, (for ther is no haranguing it

[1] 'There is good reason to believe that the King was unacquainted with the answer given by Lord Sunderland to the petition, and with the College ever petitioning before they elected Hough.' Dr. Routh's Note to p. 172 of Burnet's *History of the Reign of James II.* Ed. 1832.

before great men) 'wee humbly implore your Lordships favour & patronage in this affaire.' Hee said a second time, y^t^ hee would represent it to his Ma^ty^, & upon our further addressing our selves to him when wee should wait upon his Lordship, hee said, within 2 or 3 dayes, & soon after fixt upon Tuesday. I doubt not, but hee will acquaint y^e^ K. with our petition at y^e^ Cabinett Council this evening, whether hee was hastning. I thought it proper for us to go to my Lord of Durham, who was then in y^e^ Chappell at prayers: after w^ch^ wee attended him in his apartm^t^ & humbly moved him to represent y^e^ Case to y^e^ K. but wee could not obtaine this favour from him hee making severall difficultyes, as that y^e^ King had never consulted or so much as spake one word to him about it: then at least that hee would bee our friend with y^e^ Earle of Sunderland & my Lord Chancellour: but my Lord was pleased to refuse to intermeddle at all & in short told mee, y^t^ hee was of opinion, y^t^ y^e^ Kings resolution was unalterable.

This is a bare but most just accompt of w^t^ wee have done—Now, M^r^. Vice-presid^t^, give mee leave to write my thoughts to you freely & honestly, y^t^ as hitherto you have all acted bravely & conscientiously as one man, so I hope y^t^ no fansyed trouble wil terrify you, or affright you from the good resolution you have taken & I vow to Almighty God,—w^t^ I advise you to do, I would do myselfe, if I bore your character in the College. It is certaine, you ought not to do anything in y^e^ busines, tho' the Mandate, I doubt not, will bee delivered to you, before this letter arrives y^re^, til you heare from us, w^t^ y^e^ K. wil please to say to our petition. God direct us in this great & perplexing difficulty. I will go sometime this evening or to morrow, if they bee not at home, to some Privy Councellours y^t^ know mee, & will leave nothing unessayed to serue y^e^ College in this weighty concerne. I heartily entreat you to give us further instructions, tho' wee will use all possible care & diligence to discharge our duty to y^e^ College. In y^e^ meane while God preserve us, & inspire us with the spirit of true courage & zeale for our religion & our Founders Statutes; & if wee bee overpowred at last wee shall fall bravely, with y^e^ commendation & applause of all good men, who wish well to y^e^ Church of Eng^ld^ in this day of her necessity, & w^ch^ is above & before all, with great quiet & satisfaction of conscience. I am

Your affectionate, faithfull & humble Serv^t^

Tho. Smith.

From my lodgings between 5 & 6 Sunday evening.

I pray give my hearty service to all the Subscribers of the Petition. w^ch^ is drawn up with all exactnes. (*Braybrooke MS.*)

21.

1687, April 10. Continuation of D^r^. Smith's Narrative.

On Sunday, 10^th^ April, 1687, in the afternoon, Mr. Francis Bagshaw [1], one of our Fellows, came to me, by order of the Vice-President and

[1] Hearne states in his *Diary*, A.D. 1728, June 28: 'Mr. Warton of Magdalen Colleg told me yesterday that he had often heard that one M^r^. Francis Bagshaw, Fellow f Magdalen College, and a very great Whig, was author of the account in 4^to^ of th Proceedings at Magdalen College in 1688: a book which D^r^. Thomas Smith used t condemn as partial and full of falsities, and yet in one of the Catalogues of *Bibliothec Rawlinsoniana* D^r^. Rawlinson hath ascribed it by a very great mistake to the sai D^r^. Thomas Smith.'

Fellows, then at home at my lodging at Charing Cross, with a petition to the King, which he immediately put into my hands, and of which I took a copy.

The Petition had no date, but was written and subscribed the day before, Mr. Bagshaw telling me that he and the servant, sent up with him, rode a good part of the night to reach London the next day in good time.

Upon my reading the Petition I told him, it seemed to me in several points defective, however I would sign it with all my heart, and immediately did so; and then telling him that understanding by him he was to do nothing without my advice and direction, my advice and opinion was, that he and I should present our Petition to the King that evening, either as he went to, or came from, the Cabinet Council, whereupon he produced an order from the Vice-President and Fellows that he should deliver it to my Lord President, the Earl of Sunderland, with a Letter from the Bishop of Winchester to him, at which I could not but express a hearty sorrow.

In obedience to this order we went immediately to my Lord Sunderland's lodgings: and, he having then newly dined, we were admitted, and acquainting him with our business, we gave him our Petition, and the Visitor's Letter. I told him the gentleman with me, with a sword by his side, was a Fellow of the College, and that the College raising a company upon Monmouth's invasion, we chose him Captain of it, to whom the King had given a Commission, which was countersigned by his Lordship. I asked him when we should wait upon him again for an answer; he told us on Tuesday morning, and so we were dismissed.

22.

Queries in reference to the Admission of a President.

1st. The King hauing sent His Letters Mandatory to ye College in behalfe of Mr. F: Whither we can safely proceed to Election according to our Statutes; it hauing been the practise of the College to obey such Mandats as well in ye Choice of præsidents, as fellows, & in such cases to omit the forme præscribed in the Statutes? So Dr. Haddon, Dr. Bond, Dr. Pierce, Dr. Clerke were admitted præsidents in obedience to ye Ks Letters; & tis remark't of Dr. Haddon, yt he was a Cambridge man, & neuer fellow either of Magd. College or New College in this University, (which is a necessary qualification for ye præsidentship by our Statutes,) & yet made præsident by Coñand of King Edw. 6.

2d. If we consent to ye Ks letter, Whither the Oath of Allegiance ought to be tendered by us; the Act 7 Jac., cap. 6, sect. 3d, directing ye Vice-chancellors of ye Vniuersities, & all other Præsidents, Heads, & Gouernors therein to take ye said Oath in Convocacon, & not requiring them to take it elsewhere.

3d. Whither ye Oath of Supremacy (to be taken by all persons præfer'd to any Ecclesiastical benefice, promotion, dignity, or Office, before such persons as shall haue autority to admit any such person to any such Office, etc, 1 Eliz. 1 Sect. 7) ought to be tendered by us, or by our Visitor ye Bishop of Wintoñ; it being our part Nominare, et Eligere; & ye

said Bishops, personam electam in præsidentem præficere? Accordingly the practise is, to send y^e^ person Elected (tho' elected by y^e^ K^s^ comands) to the Visitor, with an Instrument under our Comon Seale, wherein we certifye y^e^ manner of Election, & request His Lordship to admit the said person præsident; which Instrument begins, Reuerendo in Xto patri Episcopo Wintoñ, aut Cujuis alij admittendi potestatem habenti. Or, whither y^e^ said Oath is to be twice taken, first before y^e^ Bishop, & then before y^e^ Society, as the Oath præscrib'd in our Statutes must be; his Admission not being complete till He is sworn publickly in y^e^ College Hall, & possession giuen him of his office?

4^th^. If y^e^ Oath of Supremacy be tendred by us, & refused, Whither we ought not to certify y^e^ Refusal into y^e^ K^s^ Bench within 40 days after refusal, thereby to auoid y^e^ penaltie of 100^ll^ in y^e^ Act 5^o^ Eliz. cap. 1, sect. 7? And w^t^ other penaltie we may incurre, by admitting a præsident without takeing y^e^ foresaid Oaths, & contrary to y^e^ Meaning of y^e^ said Acts?

Lastly, How far y^e^ late opinion of y^e^ Judges in reference to y^e^ Test, & y^e^ K^s^ power of dispensing with it, is applicable to our Circumstances? or, whither His Majesties late proclamacon of Indulgence will disable, or Excuse us from tendring y^e^ foresaid Oaths?

(*Braybrooke MS.*)

23.

1687, April 11. M^r^. Pudsey's Answers to the foregoing queries.

S^r^,

I have pervsd & considered y^r^ Queryes as well as the shortness of time with Relacon & Comparison to so weighty a Subject will permitt & as I ought not to presume to Direct you in matter of Discretion so I dare not be positive in Law with an Inconvenient Consequence.

As to the first, if you gave your selves a Liberty of Dispensing with your private Statutes in obedience to the King in other presidents I doe not conceave it equall or safe to insist upon the Rigour now.

To the 2^d^. I conceave that Allegeance is Due to the King as we are naturall Subjects by y^e^ Law of Nature & that the King may Dispense with a Law introduc't as to the formall Oath of it (for his own Advantage) & y^t^ in this Case 'tis a Subsequent Duty to the Admissi^on^ & to be administred in another place & therefore within the power of y^e^ King's Dispensacon as vpon the Reason Adjudged of his prerogative in S^r^ Edw. Hales' Case & that the Late Declaration works vpon it & I think y^e^ Subsequent Dissability of the Statute doth not affect your Case.

To the 3^d^. I take a Difference between y^r^ Case & that of Francis in the Vniversity of Cambridge, vpon the Disjunctive p^t^ of the paragraph in y^r^ Case, & vpon the penning of y^e^ Act also, & y^t^ this is no Degree of Learning & so no precedent Dissability contracted (as was the L^d^ Chief Justice's Opinion) & not like the Dean of Christ-church who is an Ecclesiasticall Officer & Minister within the Act: The Oath (I think) can't be intended to be taken twice &c.

To the 5^th^. I doe not take this to be an Office or Degree within the 5 Eli. cap. 1 & that therefore y^e^ Certificate of Refusall doth not concern You.

As to the Last I conceave this Case not within the Letter of 25 Car 2 cap 2 & consequently not affected by the Argumt. or Resolution thereon. But the late Declaracon of Indulgence is Materiall in the Case & a Caution to Vs all to be very tender in Requiring Oaths &c Sr This in great Hast cursorily I adventure to give as my Opinion in Law I begg Yr pardon if through want of time for Due Consideracon I have made any Mistakes the point is of Great Consequence & I referr You to the Opinion of Mr. Sergt. Pemberton & Mr. Finch in the Case of Francis if You think it any wayes concerns Yrs, & the Discretionary pt of it to Yr better Consideracon.

Yr humble servt.
Wm. Pudsey

Kidlington April 11th. 87.

(*Braybrooke MS.*)

24.

1687, April 11. Continuation of Dr. Smith's Narrative.

The next day 11th (Monday) meeting with my friend Sir Theodore de Vaux, I prevailed with him to go and sup with my Lord Chancellor Jefferies that night, and by a side-wind question, beginning as it were an accidental discourse about the College, which was the common argument of discourse, not only in the Court but all the Town over, to learn of him what was the fate of our petition. 'My Lord,' said he, 'I hear the Fellows of Magdalen College have petitioned the King about their election, and against Mr. Farmer, recommended to be their President.' He replied, 'No such matter, they are too proud to petition. I was at the Council last night before the King came and stayed till after he left it. There was no petition either mentioned or produced.' When I heard this from Sir Theodore de Vaux I was amazed, and began to fear that my Lord Sunderland had suppressed our petition.

25.

1687, April 11. Proceedings of the College.

His Majesty's Letters Mandatory were delivered by the hands of Mr. Robert Charnock, Master of Arts, and Fellow of the said College, directed to the Vice-President and Fellows of Magdalen College in Oxford, requiring them forthwith to elect the said Mr. Farmer, and admit him President; which Letter the Vice-President read in the Chapel of the said College, between the hours of four and five o'clock in the same day, after evening Service, and asked them 'Whether they in obedience to His Majesty's Letters would forthwith elect and admit Mr. Farmer President?' who all agreed, in consideration of Mr. Farmer not being qualified, and the danger of expulsion to any of the Fellows that should be absent from the Election, and that the time of Election according to the Citation was so near, to defer their answer till Wednesday following; whereupon the Vice-President required all the Fellows to be present in the Chapel the said Wednesday morning at nine-o'clock.

(*Impartial Relation.*)

26.

1687, April 12. Continuation of Dr. Smith's Narrative.

On Tuesday morning the 12th Mr. Bagshaw and I went to my Lord Sunderland's lodgings, and having sent in our names by one of his servants, he told us that his Lord would have us come the next day.

27.

1687, April 13. Continuation of Dr. Smith's Narrative.

On Wednesday morning the 13th Mr. Bagshaw and I went to my Lord Sunderland's lodgings, and Dr. Jessop, his Lordship's Chaplain, accompanied us; and after some little stay we were called in, and my Lord Sunderland spoke to us in these words:—'Sir, I have delivered the Bishop of Winchester's Letter, and your Address, to the King: the King has sent down his Letter to the College, and expects to be obeyed,' adding, 'he had nothing more to say.'

Before I went down into the stone gallery after we had left him, I put down his very words in my table book whilst they were fresh in my memory. Coming to Whitehall I advised Mr. Bagshaw to go out of Town that afternoon, and carry back the answer to the College, which he promised me to do. For my own part I could not resolve on a sudden what I should do. So we took leave of Dr. Jessop. He and I went into the Park to consider what was best for me to do, whether go or stay; for I had heard that the Fellows were resolved to proceed to Election on Friday the 15th. I was not bound to be present; it was enough that I was summoned in the general citation on the chapel door, nor was there any danger of [from] being absent (and several were absent at the election), besides at that time my distemper of gravil was heavy upon me, but reflecting that Mr. Bagshaw might not, for some reasons, go directly to the College, and that it would have been turned upon me, that not hearing of any answer from the King they went to Election, I resolved to return to Oxford the next day, Thursday the 14th, in the 'Flying Coach,' which I effected not without difficulty.

28.

1687, April 14. Continuation of Dr. Smith's Narrative.

Upon entering home (Magdalen College) about nine at night, I enquired for Mr. Bagshaw, who was not, I was told, then returned, or at least his return was concealed from me (for he did not appear till the next morning), the account of which surprised me, and reconciled the difficulty, as it proved, to my circumstances of that day's journey to me: I walked in the cloisters till about ten that night, resolving to speak with the Vice-President, and several of the Senior Fellows, who were in the Town. Upon their return I acquainted them with the Earl of Sunderland's answer, which one of them desired me then not to mention to the juniors. I fully perceived by their discourse that they were resolved to elect the next morning, and they told me so much very plainly.

29.

1687, April 15. Continuation of Dr. Smith's Narrative.

On Friday morning, 15th of April, the Porter came to me in the name of, and by the authority of, the Vice-President, to warn me to the Election of a President, and to give me notice that the Sacrament would be administered before it. Soon after the Vice-President came to my chamber to discourse with me about our great affair, and to know what I would do. I told him very frankly what I thought ought to be done in our present circumstances, and that it was most advisable to petition the King a second time, and that I would read a paper which I had prepared that morning to the same purpose publickly before all the Fellows. He said the advice was good, and that though as Vice-President he needed not to vote, till we all had voted, yet to shew his readiness, he would vote in the first place for it. Soon after having put on my surplice and hood I went to the chapel. As soon as all the Fellows then at home were come together, the Vice-President in the entrance, just within the choir, hard by his seat, the company promiscuously standing about him, addressed himself to me, saying;—'that he had read the King's Letter to the Fellows when I was absent at London, where I had been ever since the 19th of February, and that he would read it again for my satisfaction,' which I desired him to do, and it was done accordingly. After which he said to me, 'Dr. Smith, pray acquaint us with the answer that His Majesty was pleased to return to our petition,' which I told him not long before in my chamber that it was absolutely necessary for me so to do, having been employed by them as a body of men, with which resolution he was very well satisfied. Whereupon he told them that to prevent all mistakes I would read it out of a paper, which contained these very words.

'Gentlemen, I find myself obliged to acquaint you all at this solemn meeting, what I told the Vice-President, and several of the Fellows, last night, that waiting with Mr. Bagshaw (Dr. Jessop being also in our company) upon my Lord Sunderland, on Wednesday morning last, according to his Lordship's appointment, to know what answer his Majesty was pleased to return to the petition of the College, delivered by us to his Lordship on Sunday afternoon, April the 10th; He told us that he had delivered the Bishop of Winchester's Letter, and our Address (for so he was pleased to call it), to the King,—that the King had sent his Letter to the College, and that He expected to be obeyed, adding that his Lordship had nothing more to say. Thomas Smith.

St. Mary Magdalen College, Oxon, 15th April, 1687.'

30.

1687, April 15. Continuation of Dr. Smith's Narrative.

This done I desired that I might read another paper which I held in my hand, and which is as follows word for word.

'Gentlemen; It is my opinion (for I will not pretend to call it by any other name, much less by that of advice, leaving every man here present

the liberty of his own judgment) that his Majesty not having thought fit upon our late application to him to revoke his royal mandate, nor, as we pray in the close of our petition, to leave us to our own choice according to the direction of our Founder's Statutes; nor to recommend such an one as may be more serviceable to his Majesty and to the College, we most humbly petition the King again, and represent the several respects referred to in our petition, which render Mr. Farmer incapable of being elected and admitted President: this method and procedure being most prudent and dutiful, and fit to be entered upon immediately, the King having interposed his royal pleasure and authority; which if it had not been done I readily acknowledge that we not only might but ought to proceed to the Election of a President in this very instant according to the express letter of the Statute, in every particular. But for this let every one concerned be his own casuist. These are my private thoughts, and upon mature deliberation I conclude that I should be very defective in my duty to the King, and in my respect to you, whatever misinterpretations possibly some may frame of them, if I had not made you acquainted with them at this meeting.

Thomas Smith, D.D., St. Mary Magdalen College, April 15, 1687.'

Having read my two papers I bid Mr. Almont, Steward of the College, and public notary, then present, to take notice of what I had done.

31.

1687, April 15. Continuation of Dr. Smith's Narrative.

The Vice-President then proposed to the company whether they would petition the King again, and defer the election; and he first and before all declared himself to be of that judgement, and so did the two next senior Fellows, Dr. Fairfax[1], Dr. Pudsey and myself. All the rest were for present election. Then several hot debates arose about the King's Letter, and horrible rude reflexions were made upon the King's authority, viz. that he had nothing to do in our affair, and things of a far worse nature and consequence. Upon which I told one of them that the spirit of Ferguson[2] had got into him, but there was no prevailing upon them by reason and argument. The Vice-President proposed the question how they would manage the election, whether according to the statute by scrutiny upon oath, or *vivâ voce*, as was used when the late President was recommended by King Charles the Second to the College, and when Fellows have been received into the society by virtue of the King's Letters, which indeed was our constant practice during King Charles the Second's reign after the Restoration, and was done but some few months before in the case of Mr. Charnock[3] and Mr. Peniston[4]; whereas we are as much bound by the letter of the Statute to choose a Fellow by oaths as a President. When it came to my turn t

[1] Henry Fairfax, D.D. matr. at Exeter College 21 June, 1653, arm. fil. B.A. Exeter Feb., 1656, M.A. Elected Fellow 1659. B.D. 26 April, 1666. D.D. 10 March, 1680–1 Installed Dean of Norwich 1 Nov. 1689. Died 10 May, 1711.

[2] Ferguson. See Macaulay's History.

[3] Robert Charnock, elected Fellow by Royal Mandate, 1686.

[4] Charles Peniston, elected Fellow by Royal Mandate.

vote in the order of my course, the senior always voting first, I told them that I persisted in my former judgement that it became them in duty to petition the King again, and not to precipitate an election, for several reasons which I then alledged; only two were for electing *vivâ voce*; all the rest for electing by scrutiny. This point being gained, I, forseeing the consequences of this hasty and undue election, desired the Vice-President to give me leave to go away immediately, for that it was clearly my opinion and judgement that we lying under a restraint by his Majesty's Letter (abstracting from the consideration the person recommended thereon) might, without the guilt of the breach of the Founder's Statutes, defer the election for some time. But the Vice-President would not grant me leave to depart, which I bid the public notary take notice of. One of the Senior Fellows told me that I would be expelled if I refused to go to an election, and others said that I would at least run the hazard of expulsion if I offered to go away, whereupon I stayed, though I perceived afterwards that Mr. Charnock, who by this time was a declared Papist, and Mr. Thompson, who at that time was one of the Band of Pensioners at Whitehall, quitted the Chapel, and retired at that time.

32.

1687, April 15. Continuation of Dr. Smith's Narrative.

The election of a President in this solemn manner being resolved upon, the Fellows soon after took their seats (for hitherto we stood all promiscuously together or running to and fro in a tumultuous manner), and one of the Senior Fellows, supplying the place of the Dean of Divinity[1], who was absent, went up to the altar and began the Communion Service. After the Sacrament was ended, several went into the outward Chapel to unrobe themselves, and myself among the rest, which the Vice-President observing said, 'Whoever goes out is to return hither upon pain of expulsion;' and I meeting in the outward Chapel with Dr. Fairfax, he said to me in the way of friendly advice that it was not safe for me to go away. After all were returned into the inner Chapel, the Vice-President standing in his seat read the Statute of the Founder, *de Electione Presidentis*, and the Statute of the Land as is required at elections, and administered the Oath laid down in the College Statutes to the Senior Fellow of all; who being sworn, the four next Seniors, of which I was one, being called to be sworn, I said, 'Mr. Vice-President, you require me to take the oath and I must obey;' he replied that 'the Statute obligeth you, not I.' The oath was taken by all but the two above mentioned, who, after the Communion was over, returned. The two Senior Fellows, who were to take the scrutiny, being sworn again, they went up to the altar, and there received the suffrages of those who had been sworn secretly in writing, and after a little time, two of the nominated having the major part of the voices of the Fellows present, which is a necessary qualification appointed by the Statute, which were Mr. Hough[2] and Mr. Maynard, the thirteen Seniors, who are to elect

[1] Dr. John Rogers.

[2] John Hough. 'I have heard that the present Bishop of Worcester, Dr. John Hough,

one of the two thus nominated, proceeded to a second scrutiny, and Mr. Hough had all the votes of the electors but one, and his own; for by reason of the absence of several of the actual Seniors, he came into that number; and, accordingly, he was declared and pronounced duly elected President of the College. Thus the election was finished at that meeting after we had been in the Chapel almost five hours.

33.

1687, April 15. Account of the Election from the Vice-President's Register.

Convocatis omnibus et singulis sociis in Collegio præsentibus in capella prædicta datum est responsum Dñi Regis per Thomam Smith S. T. P. et dicti Collegii socii, quod ipse ab honoratissimo Dño Præsidente Concilii ore tenus acceperat, viz. velle Dñum Regem mandatis suis obedientiam præstari. Cum igitur dictam electionem differre per Statuta non liceret, visumque esset majori longè parti sociorum non posse se officio suo et conscientiis satisfacere, nisi ad præscripta Statutorum electio fieret: ante omnia sacra synaxi ad invocationem Spiritûs sancti celebrata (absente Mro. Charnock) dein singulis juramento oneratis (exceptis Mris Thompson et Charnock) juratis insuper duobus sociis senioribus de scrutinio fideliter computandò, aliisque omnibus per Statutorum exigentiam ritè et solenniter factis, absque omni strepitu aut tumultu itur ad scrutinium. Cumque in primo scrutinio a majori parte sociorum in duos consensum non fuerit, repetito demum scrutinio nominantur egregii viri, Mr. Hough et Mr. Maynard, et a seniore scrutatore verè et legitime nominati ad officium Præsidentis pronunciantur. Dein convocatis per Vice-Præsidentem xiii Sociis Senioribus in capella praedicta ad finalem electionem unius e nominatis, singulisque debitè juratis, a majori parte electus est venerabilis vir Johannes Hough S. T. B. et dicti Collegii Socius, simulque in præsentia omnium sociorum, summoque omnium plausu, dictus Johannes Hough, S. T. B., Præsidens Collegii B. M. Magdelenæ in Universitate Oxon: a seniore scrutatore pronunciatur; vir generosi et præsentis animi, quique morum simplicitate et candore, mitissimo ingenio, et virtutum maximè laudabilium felici temperie, spem omnibus fecerat illum Collegio suo, et toti Academiæ, ornamento fore singulari. Post finitam

often talks of the affair of Magdalen College, Oxford, at the time of the Revolution, particularly with respect to King James's Mandamus for a President. He (Hough) was then Chaplain to the Chancellor of Oxford, the Duke of Ormond. He and others, even all excepting three, were resolved to oppose the Mandamus, and they pitched upon Dr. Baptiste Levinz, Bishop of Man, for President, who accepted of their offer, and said he would stand, and, if elected, would zealously maintain the Statutes in opposition to the Mandamus. But Hough says, a little after came a letter from a very near relative, a brother of Levinz, persuading him by all that was sacred to desist, which accordingly he did, which being looked upon as very dishonourable, they were put to their shifts, but at last resolved to elect Hough, who told them he would not only accept of it, though at so ticklish a time, but would strenuously act against the Mandamus, and it was then resolved to choose Mr. Edward Maynard with him, for there must be two, which being effected accordingly, Hough was brought in President to the great disappointment of all who were for the Mandamus.' *Hearne,* (*Diary* 18 Jan. 1734-5.)

electionem Mr. Edvardus Maynard, unus e tredecim Senioribus Sociis, ab ipsis tredecim prædictis nominatus est, quæ Præsidentem sicut præfertur electum Dño Episcopo Winton: præsentaret, dictumque Collegium, personam in Præsidentem electum, et omnes alias personas dicti Collegii eidem decenter et honorificè commendaret.'

34.

1687, April 15. Continuation of Dr. Smith's Narrative.

It was ordered at the meeting just after the Election was over that Mr. Maynard should accompany the President elect to Farnham (about 36 miles from Oxford), according to the direction of the Statute, to be presented, admitted and sworn by the Bishop of Winchester our Visitor. An instrument about the election was drawn up in the afternoon and sealed with the College Seal: and in the evening they began their journey to Farnham.

35.

1687, April 15. An account of the Election from 'an Impartial Relation of the Proceedings.' 2d. ed.

At eight o'clock in the morning the Vice-President and Fellows being met, Dr. Thomas Smith and Captain Bagshaw, two of the Fellows, acquainted the rest from my Lord President of the Council, that in answer to their Petition, his Majesty, having sent his Letter to the College, expected to be obeyed. After which the Vice-President read again the King's Letter to them, and asked whether in obedience thereunto they would elect and admit Mr. Farmer President. They answered, that they desired they might proceed to an Election. Then the Vice-President having proposed whether having received his Majesty's pleasure in answer to their petition, they would make any further address, the Vice-President, Dr. Fairfax, Dr. Pudsey, and Dr. Thomas Smith were for a second address, but all the rest declared immediately for proceeding to the Election. Then the Vice-President proposed, whether they would go to an Election *vivâ voce* or by scrutiny? The Vice-President, Mr. Thompson, and Mr. Chernock, were for proceeding to an Election *vivâ voce*, all the rest were for going to an Election by scrutiny, except Dr. Thomas Smith, who was not for going to Election until the King should again be petitioned.

This therefore being their sense, that they ought to proceed to the Election of a President, according to the Statutes, and this the last day limited for Election, in order thereunto the Holy Sacrament was solemnly taken by all, except Mr. Chernock, then the Statute de Electione Præsidentis, and 5 Elizabeth against corrupt elections, was read by the Vice-President. Every one took the oath prescribed in the Statutes to be taken, in order to the nomination of a President (except Mr. Thompson and Mr. Chernock who refused it) and the two Senior Fellows were sworn scrutators in the scrutiny of the whole Society. For the nomination of a President Mr. Hough and Mr. Maynard had each of them the major part of all the voices, and were accordingly pronounced by the

Senior Scrutator, Nominati in Ordine ad Electionem Presidentis; then the thirteen Senior Fellows being met to elect one of these two President, and every one of them sworn according to the Statute, eleven of them elected Mr. Hough, who was accordingly pronounced President of St. Mary Magdalen College in Oxford by the Senior Scrutator, in the presence of all the Fellows; and Mr. Maynard was appointed by the thirteen Senior Fellows to present the said President elect to the Visitor in order to his admission: after this Mr. Thompson and Mr. Chernock declared *vivâ voce* for Mr. Farmer according to his Majesty's Letter.

36.

1687, April 15–17. 'Our proceedings in ye Election of a President' [recounted by the Vice-President, Dr. Aldworth].

The death of Dr. Clerke late præsident of this College signifyd to me his V . . . . . by an Express out of Lancashire (Mr. Sanderson) March 29 about 2 of ye . . . . afternoon being tuesday. Within two days after Notice, uiz. thursday March 31 . . . . Even: prayer I cõunicated ye same to all the fellows then present called together in ye chap: for yt purpose. At ye same time we unanimously appointed ye day of Election to be Apr: ye 13th following in ye Chappell to begin 9 a clock in ye Morning & as soon as we came out of ye Chap: ye same day I iñediately fixt up a Citañ at ye Chap: doore signifying ye vacancy, day of Election, & citing all to appear thereat. It being cõnly reported yt ye King intended to recoñend Mr. Farmor for præsident, before ye receipt of His Majesties letters by aduice of our Visitor (as appears by his Lordships letter to us) we drew a petition to His Majesty & sent it up Apr: ix instant by Mr. Bagshaw, appointing Dr. Younger, Th. Smith, & Jessop to attend it, together with my Lord of Winton's letter to my Lord præsident Sunderland requesting His Lordship to lay our Case before the King. Monday Morning Apr: 11th, about 8 a clock, Mr. Charnock came to my Chamber, & delivered to me ye kings letter in behalfe of Mr. Farmer, telling me he had brought me an unwellcome letter; I told him the Ks letter must be received with duty & respect, & was so by me; I promisd to cõunicate it with all convenient speed. The same day at dinner in ye Hall I warn'd a Meeting of all ye fellows in the Chappell after 4 a clock prayers to the Reading of His Majestie' letter, (the chappell being ye only proper place for Meetings in this election,) & gave ye porter Orders to give Notice to all others not there at dinner as he should meet them. After 4 a clock pr: in ye Chappell accordingly ye same day I read the Ks letter to all the fellows, & the quæstion being put whither they would iñediately proceed to election of Mr. F: in obed: to His Majesties letter? 'twas unanimously agreed to deferre their answer t'll Wednesday Morn: according to ye time fixt in ye Citacõn, by reason t Mr. Farm: ye person to be elected & admitted by ye Ks letter was t morn: gone to London, and yt ye time of election in ye Citacõn was s near, & ye danger of expulsion to euery fellow present in ye Vniversity t should absent from ye election; All declaring at ye same time, yt th did and hereby refuse to obey ye ks letter, but only for ye present resp t

y^r answer for y^e reasons aforesaid. Then I required y^e publ: not: to make an Act of w^t was then done, & required euery one on pain of expulsion to attend y^e meeting on wednesday morn: 9 a clock, & give a positive answer to y^e kings letter. Wedn: morn 9 a clock—All y^e fellows being met, (upon sum̃ons y^e night before in y^e hall at Supper,) I told 'em y^e Meeting . . . . . in order to y^e Election of a præsident. After which I read the . . . . Elect. præsidentis, & y^e Statute 5^o Eliz: ag^st corrupt Elections was read also. Before . . . . any further, I read y^e K^s letter in behalfe of M^r. Farmer, a 2^d. time telling my . . . . freely; 1^st, y^t hauing obeyd y^e Kings letters formerly as well in el: of præs: as fellows [*last five words interlineated*] we ought to give good . . . . if we don't obey them now; 2^ly, y^t if there were any thing extraordinary in M^r. . . . . Circumstances to make him uncapable of y^t Office we had taken a very good way viz. in representing y^e same to his Maj: by our petition, & y^t I thought in decency we ought not proceed in y^e Election till we had received his Majesties pleasure in answer to our petition; which was y^e general opinion of all present (except M^r. Charnock,) who all agreed (except y^e said M^r. Char.) to defer & adjourn y^e Election till the next morn: Thursday 9 a Clock in y^e same place, which was accordingly done. Thursd: 9 a Clock mor: y^e Company being met in y^e Chap: I told 'em y^e Election had been defered hitherto on account of our petition to His Maj: in answer to which we had not yet received his Majesties plesure, y^t the next day viz: Ap: 15^th was y^e utmost time we could deferre y^e election by y^e Statutes, & therefore necessary they should now come to some resolution; I told 'em The King com̃anded us to elect M^r. Farmer Præsident, & demanded y^e sense of y^e Company; which was unanimous (except M^r. Charnock,) uiz. y^t y^e election be deferrd till the next Morning 8 a Clock in y^e same place, & in order thereto y^e sacrament to be first administred, accordingly was adjourned. Apr: 15^th, the Company being met in y^e Chapp: D^r. Th: Smith & M^r. Bagshaw acquainted us from my Ld Præsident Sunderland in answ: to our petition, y^t His Majesty hauing sent his letter to y^e College expected to be obeyed. After which, I read y^e K^s letter once more to them, & askt whither in obedience thereto they would admit M^r. Farmer præsident? The company declined to proceed to election, as more consistent with y^e Kings letter & y^e Founders Statutes. Next I askt whither having receivd his Majesties plesure in answer to our petition, they were for a 2^d Addresse? for which I declared, as did also D^r. Fairfax, D^r. Pudsey, D^r. Th: Smith; y^e rest declared for goeing to election, y^e King having com̃anded them to elect. then I askt, whither they would goe to election uiuâ uoce, as has been practisd on receit of y^e k's letters; this I agreed to, so did M^r. Thompson, & M^r. Charnock; y^e rest all for election by Statutable scrutiny, only D^r. Th: Smith ag^st any way of election, but for a 2^d address. Whereupon I told 'em, y^t the King having com̃anded us to elect as well as admit without determining y^e way of election & y^e Majority uoting for election according to y^e direction of y^e Statutes, and this being y^e utmost day allotted us for election, I was obliged to comply with them. Then y^e Sacrament being solemnly administred to all (except M^r. Charnock who absented himselfe,) & y^e Statute of y^e founder read, as also y^e Act 5^o Eliz to prevent corruptions by me, & ye Oath admin . . . . . all having

power to nominate, (except Mr. Thompson & Mr. Charnock, who refused it,) as likewise . . . . . of Scrutators to Dr. Fairfax & Dr. Pudsey ye Sen: fellows, it appeard in Scrut . . . . . Mr. Hough & Mr. Maynard had ye Major part of all ye uoices, & were . . . -ly pronounced by Dr. Fairfax Sen: Scrutator Nominati in ordine ad election . . . præsidentis. then ye 13 Sen: fellows being there imediately called together by me to elect one of those 2 præsident, & euery man sworn accord: to ye Statute: ye Major part elected Mr. J. Hough, who was accordingly pronounced by Dr. Fairfax Sen: Scrutator præsident in præsentia omnium Sociorum. At ye same time Mr. Maynard was made choice of by 13 Sens to present ye præsident Elect to ye Visitor in order to his admission, & an Instrument ye same day sealed in ye Com̃: Hall signifying to His Ldsp. ye whole processe of Election. Apr. 17th. in ye morning the præsident elect returned to ye Coll. with an Instrument from ye Visitor signifying to us his acceptacon, approbacon, and confirmacon of ye election, & yt he had admitted & sworn ye said Mr. Hough into ye præsidentship. The same day being Sunday betw: ye hours of 3 and 4, afternoon, the fellows being met in ye chappell, the præsident came to ym, & was by them (hauing seen before in ye morning ye Visitors Instrument in confirmacon of ye election etc) conducted to his stall, where he first tooke ye oath præscribd in ye Statutes before ym all, (Mr. Maynard Mr. Bayley and Mr. Fuller (?) attesting yt yey were present when he tooke ye same oath before ye Visitor,) next he uoluntarily of his own accord tooke ye Oaths of Alleg: & Supremacy, ye Vice præsident declaring before ye publ: Notary yt in obedience to his Majesties late gracious declaracon he would not require them of him. Then ye keys of ye tower being delivered to him by ye Vicepr: & yt of ye Seal by Dr. Fairfax Sen. fellow, we attended him to his lodgings, and there left him. A 4 a clock prayers he tooke his seat in ye Chappell.

* * * * * *

That ye Admission is completed by ye Bp. of Winton, appears by ye præsidents Oath. Ego A. B. in præsidem Coll. B. M. Magd. Nominatus, Electus, et Præfectus, Juro Etc.

(*Endorsed*) My own diary of ye Election.

(*Braybrooke MS.*)

37.

1687, April 16. Election of Dr. Hough confirmed by the Visitor.

On their arrival at Farnham Castle at eleven o'clock, Mr. Maynard introduced the President elect in these words:—

Illustrissime Præsul,

Quum nuper ad nos allatus Nuncius de meritissimi nostri Præsidi excessu animos nostros perculisset, non secus ac olim veteres soliti sur in rebus arduis ad Delphicas Arces confugere, nos grati memores ul solemus certiora Oracula depromere, ad has Ædes statim nos con tulimus. Jam vero ffælices quod in hunc tam eximium Virum, omni bus, tum eruditionis tum ad Rerum administrationem Naturæ dotibu

instructissimum, tanquam uno ore consensimus, iterum huc revertimur, ffælicissimi futuri, si Reverentiæ vestræ placuerit, humillimorum tuorum Clientum Votis Coronam addere, et ffælicitatem nostram Ratam facere.

In Negotio tanti Ponderis serio Rem egimus, et implorato prius Numine, liberavimus animas nostras. Quod superest, bonorum operum ffautor Deus Superne, Tuque in terris æternum nobis colende Patrone, nostra regas Consilia, et non est quin adhuc speremus prosperum exitum.

The Visitor's answer was—

Gratulor vobis Præsidentem vestrum, et statim post Preces electionem vestram Ratam faciam.

(*So far from the original MS. pasted in Dr. Bloxam's volume.*)

After prayers Mr. Maynard produced the following Certificate of the Election:—

Reverendo in Christo Patri ac Domino Petro, permissione Divina Winton: Episcopo Coll: Beatæ Magdalenæ in Universitate Oxon: Patrono, aut cuivis alii admittendi Potestatem habenti, Carolus Aldworth LL.D. Collegii prædicti Vice-Præsidens, unanimusque ejusdem Cœtus, Salutem in Domino. Collegio tuo prædicto, per mortem naturalem venerabilis viri Henrici Clerke M.D. nuper Præsidentis ibidem, jam Præsidente destituto, Nos Carolus Aldworth, Vice-Præsidens ante-dictus et socii omnes et singuli Collegii prædicti in Universitate præsentes, in capella ejusdem Collegii capitulariter et collegialiter tricesimo primo die Martii, anno Domini 1687 congregati, deliberatione inter nos habita diligenti, decimum tertium diem instantis mensis Aprilis cum continuatione et prorogatione dierum sequentium ad nominationem et electionem futuri Præsidentis in capella dicti Collegii per nos celebrandam unanimiter et concorditer definivimus et decrevimus: ipsumque diem prædictæ nominationi et electioni definitum ut præfertur decretum fuisse, ut lateret neminem in prædicta nominatione et electione interesse habentem, literis Collegii capellæ valvis eodem die horam circiter quintam post-meridianam affixis, Carolus Aldworth Vice-præses antedictus publice declaravit; omnes præterea socios tunc temporis absentes citandos atque monendos, ut ipsi unâ nobiscum die hujusmodi præfixa horam nonam ante-meridianam, aut eo circiter, prædictæ nominationi et electioni faciendæ personaliter interessent.

Cumque Carolus Aldworth, Vice-Præses antedictus per duodecim dies a tempore præmonitionis et citationis antedictæ socios prædicti Collegii absentes expectâsset, die crastino viz. decimo tertio die instantis Aprilis celebrandæ futuri Præsidentis nominationi et electioni assignato atque præfixo ad Capellam dicti Collegii omnes et singulos socios tunc in Universitate præsentes convocavit in ordine ad electionem futuri Præsidentis, et lectis per dictum Vice-Præsident statutis Collegii nominationem et electionem Præsidentis concernentibus, necnon Statuto Parliamentario tempore Elizabethæ Angliæ Reginæ edito, lectis etiam eodem tempore Literis a Regiâ Majestate acceptis in favorem Antonii Farmer Artium Magistri et dicti Collegii Commensalis, Carolus Aldworth, Vice-præses antedictus cum consensu majoris partis Sociorum dicti Collegii tunc et ibidem præsentium dictum nominationem et electionem futuri Præsidentis in horam nonam matutinam diei sequentis prorogavit, die crastino horâ locoque assignatis convenientibus et congregatis omnibus et singulis

sociis dicti Collegii tunc in Universitate in ordine ad nominationem et electionem futuri Præsidentis tenendam prorogatione dictæ nominationis et electionis prius facta Carolus Aldworth, Vice-Præses antedictus, cum consensu majoris partis Sociorum dicti Collegii tunc et ibidem præsentium dictam nominationem et electionem futuri Præsidentis in horam octavam matutinam diei sequentis prorogavit et Sacramentum Eucharisticum eodem tempore in Capellâ dicti Collegii celebrandum statuit et ordinavit. Die crastino horâ octavâ matutinâ convenientibus et congregatis in Capellâ dicti Collegii omnibus et singulis sociis ejusdem in ordine ad nominationem et electionem futuri Præsidentis secundum Prorogationem dictæ nominationis et electionis hesterno die factam, et celebrato in dictâ Capellâ Sacramento Eucharistico, lectisque Statutis per Reverendum in Christo Patrem Dominum Gulielmum Waynflete, Episcopum quondam Winton: et dicti Collegii Fundatorem, in eâ parte editis, dictam nominationem et electionem Præsidentis concernentibus, Carolus Aldworth, Vice-Præses antedictus cum sociis omnibus dicti Collegii tunc et ibidem præsentibus ad nominationem et electionem futuri Præsidentis processit, absentiâ quorumdem sociorum non obstante, prout inferius continetur, viz. lecto iterum Statuto Parliamentario, tempore Elizabethæ Angliæ Reginæ edito, necnon Literis a Regiâ Majestate acceptis in favorem dicti Magistri Farmer, Carolus Aldworth, Vice-Præsidens antedictus, omnesque Socii tunc in Universitate præsentes, exceptis Magistro Tompson et Magistro Charnock, dicti Collegii Sociis, ipso Vice-Præsidente cæteros omnes onerante atque per Doctorem Pudsey onerato, inspectisque per eos et eorum quemlibet et tactis Sacrosanctis Dei Evangeliis publice tunc et ibidem jure jurando asseruerunt se omni celeritate nominaturos duos ex prædicti Collegii aut saltem Collegii Beatæ Mariæ Virginis Wintoniensis in Universitate Oxon: tunc sociis, aut qui olim illorum aut eorum alterius socii fuerunt, et honestis ex causis recessêre, in Theologia, Jure Canonico Civili, aut Medicinæ Doctores, vel artium Magistros, quos suæ judicio conscientiæ idoneos ad exercendum Præsidentis officium speraverint aut firmiter crediderint ad bonum et salubre regimen et diligentem curam personarum, statutorum, et bonorum ejusdem Collegii, terrarum posessionum, et reddituum spiritualium et temporalium, ac jurium ejusdem conservationem plus proficere et debere postpositis omnimodis amore, favore, odio, timore, invidiâ, partialitate, affectione, consanguinitatis affinitate et scientiæ, necnon acceptarum personarum et patriæ, ac occasione precis aut pretii quacunque. Juraverunt insuper Henricus Fairfax et Alexander Pudsey, Sacræ Theologiæ Doctores, supradicti tui Collegii Socii, omnibus aliis seniores, idque propterea in hac nominatione, et sequenti electione, juxta prædicti statuti exigentiam Scrutatores, se diligenter cujuslibet prædictorum sociorum vota fideliter examinaturos. Quibus omnibus et singulis ut præfertur peractis præfacti duo Scrutatores seorsim se receperunt, omnesque socii tunc præsentes dicto juramento onerati sigillatim ad eos accepêre, sua suffragia coram iis secrete et sigillatim emissuri. Quibus omnibus diligenter examinatis et suffragia sua manibus propriis conscribentibus, Domini Scrutatores numeros vare nominantium supputantes venerabiles viros Magistrum Johannem Hough et Magistrum Edvardum Maynard, dicti Collegii Magdalenensis Socios, majorem partem suffragiorum omnium Sociorum prædictorum habere

comparuerunt, ut alter eorum per tredecim Seniores in dicti tui Collegii Præsidentem quam primum eligiretur, prædictusque Henricus Fairfax, cui maximæ senioritatis jure hoc promulgandi incumbit officium reliquis suis consociis universis convocatis in communi scrutinium publicavit. Quâ publicatione factâ tresdecim prædictorum sociorum seniores. viz.

Carolus Aldworth, Vice-Præses.	Thomas Stafford,
Henricus Fairfax,	Robertus Almond,
Alexander Pudsey,	Mainwaring Hammond,
Johannes Smith,	Johannes Hough,
Thomas Smith,	Ricardus Strickland,
Thomas Bayley,	Edvardus Maynard,

Et Henricus Dobson, jubente Vice-Præsidente convenerunt unum ex iis in dicti Collegii tui Præsidentem electuri, qui in Præfato Scrutinio majoris partis omnium Sociorum consensu fuerunt nominati, qui omnes et singuli inspectis per eos et eorum quemlibet et tactis sacrossanctis Dei Evangeliis jure jurando asseruerunt se postpositis omnimodo amore, favore, odio, timore, acceptione personarum et patriæ, ac partialitate facultatis et scientiæ, et occasione quacunque precis aut precii, cum omni celeritate unum de predictis viris nominatis indicti tui Collegii Præsidentem electuros quem in ipsorum conscientiis magis idoneum, sufficientiorem, utiliorem, discretiorem, et aptiorem, reddiderunt ad prædictum Præsidentis officium exercendum, Vice-Præsidente prædicto hoc juramentum a cæteris duodecim et eorum quolibet exigente, et coram Thoma Bayley, socio seniore idem juramentum præstante; Quo facto undecim eorum seniores socii prædictis scrutatoribus, ipsis vero scrutatoribus coram duobus proximis senioribus sibi vota sua pure, simpliciter, et secrete propriis manibus scribentibus major pars dictorum Sociorum Seniorum, viz. eorum undecim egregium virum Johannem Hough, Sacræ Theologiæ Baccalaureum, virum pium, doctum, et pacificum indicti tui Collegii Præsidentem eligerunt, ipsumque sic electum fuisse, præfatus Henricus Fairfax omnibus aliis sociis senior in communi publicavit, ac pro electo tui Collegii Præsidente publice declaravit eum prædictorum sociorum consensu et applausu. Quamobrem vestræ Dominationi præfatum egregium virum Johannem Hough ad vestri Collegii Præsidentiam, Præsidentisque officium, majori parte sociorum ejusdem Collegii, uti præmittitur, nominationem et electionem unanimi consensu omnium sociorum tenere Præsidentiam præsentamus, atque præfatum Edvardum Maynard, Artium Magistrum, ad hanc nostram præsentationem exequendam, et ejusdem egregii viri indicto officio institutionem atque præfectionem petendum cum omnibus iis exercentibus, dependentibus, et annexis, uno eorundem Sociorum ore electum nostrum, verum, legitimum atque indubitatum Procuratorem atque nuntium specialem constituimus per præsentes, humiliter supplicantes quatenus eundem Johannem Hough indicti tui Collegii Præsidentem extra judicialiter præficere digneris, cæteraque peragere, quæ juxta ejusdem dicti Collegii Statutorum exigentiam vestro incumbunt officio Pastorali. Electionis quoque nostræ formam plenariam hâc membranâ conscriptam dicto Edvardo Maynard ad vestram Reverendissimam Paternitatem dedimus præferendam. Sigillo nostro communi ad omnium et singulorum fidem et testimonium consignatam atque corroboratam.

Datum in Communi Aulâ dicti tui Collegii Beatæ Mariæ Magdalenæ in

Universitate Oxon: decimo quinto die instantis Aprilis Anno Domini millesimo sexcentessimo octogesimo septimo, annoque Regni serenissimi Domini nostri Principis Jacobi Secundi, Dei Gratiâ Angliæ, Scotiæ, Franciæ, et Hiberniæ Regis, Fidei Defensoris etc. tertio.

(*Ledger S.* 355.)

38.

1687, April 16. Continuation of Dr. Smith's Narrative.

On the arrival of the President elect and Mr. Maynard at Farnham Castle, 'they met with quick despatch the Visitor telling them, as Mr. Maynard upon his return told me, that he admired their courage; and an Instrument of the President's being admitted and sworn before him, the next day (the 16th) being drawn up [*sic*] with all possible haste, to prevent any inhibition that might come from the King, which was both expected and feared, they returned to the College.'

39.

1687, April 16. An account of the admission at Farnham.

Præsidens electus ad castrum de Farnham in agro Surriensi Dño Episcopo Winton. præsentatus est, una cum literis communi sigillo dicti Collegii sigillatis, et electionis prædictæ formam, Statuti de electione Præsidentis et juramenti ab ipso præstandi tenores plenarie continentibus; eodemque die dictus Dñus Episcopus dictum Joannem Hough, absque moræ dispendio, et sine processu judiciario, et absque impugnatione electionis seu nominationis prædictæ, ut Statuta exigunt, in Præsidentem extrajudicialiter præfecit: Præsidens vero sic præfectus coram Dño præficiente præscriptum sibi præstitit juramentum.

(*Vice-president's Register.*)

40.

The same.

Mr. Hough, President elect, was presented to the Visitor by Mr. Maynard, who at the same time delivered to his Lordship an Instrument under the College Seal, containing the Proceedings of the Election, after a sight whereof Mr. Hough was sworn and admitted President by his Lordship according to the Statutes. (*Impartial Relation.*)

41.

1687, April 16. Lord Sunderland's Letter to the Visitor.

The news of the Election of course speedily reached the Court, and on this same day Lord Sunderland dispatched the following Letter to the Visitor:—

Whitehall, April 16, 1687. My Lord, I have received your Lor ship's Letter of the 8th instant, with an Address or Petition inclosed i it from St. Mary Magdalen College in Oxford, which I laid before t e King, who had before granted his mandate in behalf of Mr. Farmer o be elected and admitted President of that College; and being sin e informed that, notwithstanding the same, they have made choice f

Mr. Hough, His Majesty commands me to acquaint your Lordship, that His pleasure is you should not admit Mr. Hough to be President till further Order from him. (*Johnston.*)

42.

1687, April 17. The Bishop of Winchester's Letter to Lord Sunderland.

My Honourable Lord, this morning I received yours of the sixteenth (by the hands of Mr. Smith, one of His Majesty's messengers), in which your Lordship signifies to me His Majesty's pleasure not to admit Mr. Hough to be President of St. Mary Magdalen College, Oxon: until further order from him.

But Mr. Hough being yesterday morning presented to me by some of the Fellows of the College, as statutably elected, I did, according to the Trust reposed in me by the Founder, after he had taken the oath enjoined by the Statute, admit him President; and am certain when the Statutes of the College are laid before his Majesty, he will find that I have not violated my duty, in performance of which I never was, nor ever shall be, remiss, as I desire you to assure him from your most humble Servant, P. Winchester. Farnham Castle, April 17th, 1687.

[It may be assumed that wearied by the journey of the preceding night and in some degree by the excitement of the situation, after his admission, the President and Mr. Maynard remained that day in consultation with the Visitor, and slept that night at Farnham, and on the following morning, Sunday, April 17, returned to Oxford.]

[?]

43.

1687, April 17. Extract from the Vice-President's Register.

Rediit ad Collegium Præsidens prædictus eodemque die in capellâ dicti Collegii, lecto prius Instrumento de approbatione et confirmatione electionis prædictæ et repetito per ipsum Præsidentem in præsentia omnium sociorum juramento, solenni more installatus est: et demum universo Magdalenensium cœtu comitante in Hospitium Dñi Præsidentis inductus est.

44.

The same day.

Mr. Hough at his return to the College took the same oath again before the Society, and afterwards as President took his seat in the Chapel at 4 o'clock prayers in the afternoon.

(*Impartial Relation.*)

45.

1687, April 17–19. Continuation of Dr. Smith's Narrative.

The President and Mr. Maynard returned to the College on Sunday morning the 17th of April. In the afternoon the President was again sworn and installed in the Chapel, and soon after took possession of the Lodgings.

It was thought necessary, in order to maintain this election and to keep off the King's displeasure, to send an Address to the Duke of Ormond, whose chaplain Mr. Hough had the honour to be, that he would use his interest with the King, and intercede for the College. A Letter was accordingly drawn up, dated April 19th, 1687, and sent to him in the country, of which Address I was wholly ignorant, much less did I subscribe to it, though it appears by the very letter which the Duke of Ormond sent up to Court, that they (the Fellows) very knavishly and basely foisted my name into the subscription of the Fellows, which fourbery I did not discover till I read the letter with the subscriptions, printed by Dr. Johnston in his *Vindication of the King's Visitatorial Power* about a year after, which was matter of amusement to me. Besides that they all knew, if I had been spoken to, I should never have consented, several things contained in it being contrary to my express declaration and judgement. I did not vote for Mr. Hough at all, either in the first nomination or after scrutiny, but being upon oath, first named two others, whom I believed and knew to be better qualified. Of the two named who had the majority of all the Fellows present, one of which was necessarily to be chosen, I was for the other, strictly herein following the dictates of my judgement and conscience, according to the oath I had then newly taken, as a Senior Fellow, and a new Elector.

46.

1687, April 18th (Cobbett) or 19th (Johnston). Letter to the Duke of Ormond.

May it please your Grace. We the President and Fellows of Magdalen College in Oxon, sensible of the benefits and honour we enjoy under your Grace's Patronage, and how much it imports us to have your advice in all the difficulties wherewith we are pressed; having, as we fear, displeased his Majesty in our Election of a President, do humbly beg leave to represent to your Grace a true state of our case and hope you will please to inform the King how uncapable we were to perform His commands.

His Majesty was pleased on the death of Dr. Henry Clark, President of St. Mary Magdalen College, to command us by his Letter to elect and admit Mr. Anthony Farmer in that office, a person utterly incapable of it by our Statutes, as we are ready to make appear, in many particulars; and since we have taken a positive oath of obedience to them, and that exclusive to all dispensations whatsoever, we humbly conceive we could not obey that command in favour of Mr. Farmer, unless he had brought those qualifications with him, which our Founder requires in the person of the President, and being confined as to the time of election, we have been forced to proceed to the choice of one, who has approved his loyalty in the whole course of his life, and whom we think suitably qualified for the place.

May it therefore please your Grace to intercede with his most sacred Majesty for us, that we may not lie under the weight of his displeasure

for not being in a capacity for obeying his command. We know him to be a Prince of eminent justice and integrity, and cannot think he will value any instance of duty to himself, which breaks in upon the obligation of our consciences; and your grace's extraordinary unblemished loyalty to the crown, and that regard which, we assure ourselves, our most honoured Lord and Chancellor has to the peace and welfare of this place induceth us to presume your Grace will omit no endeavours to set before his majesty the true reason and necessity of our proceedings. That God Almighty protect your Grace shall be the daily prayer of, may it please your Grace, your Grace's most obedient Servants.

From S^{t}. Mary Magdalen College in Oxford, April 19th, 1687.

John Hough, President.
Charles Aldworth, Vice-President.

Henry Fairfax, D.D.	James Fayrer.
John Smith, D.D.	Joseph Harwar.
Thomas Smith, D.D.	George Fulham.
Thomas Bayley, D.D.	Thomas Bateman.
Alexander Pudsey, D.D.	John Gilman.
Thomas Stafford, LL.D.	Stephen Weelkes.
Robert Almont, B.D.	Thomas Goodwyn.
Mainwaring Hammond, B.D.	Edward Yerbury.
Richard Strickland.	Robert Holt.
Edward Maynard.	Francis Bagshaw.
Henry Dobson.	James Bayley.
John Davys.	Robert Hyde.

[This List of names is given only by Johnston. D^{r}. Thomas Smith's name seems to have been inserted without his consent or even knowledge].

47.

1687, April 21. Lord Sunderland's Letter to the Vice-President and Fellows.

Gentlemen. The King being given to understand that notwithstanding his late mandate sent to you for electing M^{r}. Farmer to be President of that College, you have made choice of another person: His Majesty commands me to tell you he is much surprised at those proceedings, and expects you should send me an account of what passed upon that occasion, and whether you did not receive His Majesty's said Letters Mandatory before you chose M^{r}. Hough. I am, gentlemen, your affectionate and humble Servant, Sunderland P. Whitehall, April 21, 1687.

48.

1687, April 23(?). Answer to Lord Sunderland's Letter.

May it please your Lordship. Your Lordship's of the 21st we received, signifying to us His Majesty's pleasure, that we should give your Lordship an account of what passed at our late Election of a President, and of the receipt of His Majesty's Letters Mandatory on behalf of

Mr. Anthony Farmer. In all dutiful obedience to his Majesty we have accordingly sent to your Lordship a plain state of the case, wherein nothing in the world could so much affect us as that we could not elect the said Mr. Farmer President in compliance with his most sacred Majesty's Letters, being a person in our judgements utterly uncapable of that office. We beg leave to represent to your Lordship that our Prince's displeasure would be the greatest misfortune that could befall us; and our only support under this apprehension is that a Loyal Society can never suffer in the hands of so generous and gracious a Prince, for what they have done out of a conscientious discharge of the Trust reposed in them by their Founder.

That God Almighty would crown all your Lordship's endeavours with success, and preserve your Lordship in the grace and favour of the best of Princes shall be the daily prayer of, may it please your Lordship, your Lordship's most humble and most obedient Servants, the Vice-President and Fellows of St. Mary Magdalen College, Oxford.

(*Johnston.*)

49.

1687, April 24. 'The Case of the Vice-President and Fellows of St. Mary Magdalen College in Oxford, in their late Election of a President.'

Upon the first notice of the death of Dr. Clark, late President of St. Mary Magdalen College in Oxford, the Vice-President called a Meeting of the Fellows, in order to appoint a day for Election of a new President, and the 13th day of April was the time prefixed, with power to prorogue the Election as they should see cause till the 15th, beyond which time it was not in their power to defer the same. This being agreed, a Citation or Præmonition was fixed upon the chapel-door of the College, signifying the same, and summoning all the absent Fellows to repair home to the ensuing election, as the Statute in that state directs. After this upon the 8th of April they received His Majesty's Letter in behalf of Mr. Farmer, requiring them to elect and admit him President: but he having never been Fellow of that College or of New College in Oxford (which are the only persons capable of being chosen, by the Statutes), and wanting likewise such personal qualifications as are required in the character of a President, they did not imagine it was, or could be, His Majesty's pleasure, that they should act so directly against the express words of their Statutes, to which they are strictly and positively sworn. But they did humbly conceive they were bound in duty to believe that His Majesty had been mis-informed in the character and capacity of Mr. Farmer, and therefore upon the 15th of April (the last of those days within which they are confined to finish the Election) they proceeded to a choice, and having first received the Blessed Eucharist, and taken an Oath as the Founder enjoins, to choose a person so qualified as is there specified, they did elect the Rev. Mr. John Hough, Bachelor in Divinity, who is a person every way qualified by the Statutes of the said College: and if it shall be objected that his Majesty did in his Letter to Mr. Farmer graciously dispense with all those Statutes that rendered him uncapable of being elected, and that therefore they might have obeyed without breach of their oath, they humbly beg leave to represent that there is an express

clause in that oath, which every man takes when he is admitted Fellow of the College, wherein he swears, neither to procure, accept, or make use of, any dispensation from his oath or any part thereof, by whomsoever procured or by what authority soever granted.

As to their former practice, when they have elected in obedience to the King's Letters heretofore, it has been always in such cases where the persons recommended have been every way qualified for this office by their Statutes, in which cases they always have been, and ever will be, ready to comply with his Majesty's pleasure, it not being without unspeakable regret that they disobey the least of his commands. They know how entirely their welfare depends upon the countenance and favour of their Prince, neither can anything more deeply affect and grieve their souls than when they find themselves reduced to this unfortunate necessity of either disobeying his will, or violating their consciences by a notorious perjury.

(The case within stated was publickly read by the Vice-President of S^{t}. Mary Magdalen College at a meeting of the Fellows, and generally approved of, in the presence of me

James Almont, Public Notary.)

[*Endorsed on the back*] April 24th, 1687.

Certain clauses of particular Statutes to which the foregoing Case refers were also sent, viz.:—

In the Statute concerning the Election of a President, his character is thus described:—that he must be a man of good reputation, and good life, of approved understanding, good manners and temper, discreet, provident, and circumspect both in spiritual and temporal affairs.

In the same Statute which every Fellow is obliged to take before he can give his voice in the nomination of a President is this:—that he will name one or two of the Fellows of S^{t}. Mary Magdalen College, or of those who have formerly been Fellows there, and have left the place upon a legal and creditable account: or that he will name one or two of the Fellows of S^{t}. Mary Winchester College, commonly called New College, in Oxford; or of those who have formerly been Fellows there, and have left the place upon a creditable account:—After this the thirteen Senior Fellows swear that of the two that are nominated, they will with all speed elect one to exercise the office of President, whom in their consciences they think most proper and sufficient, most discreet, most useful, and best qualified for it, without any regard to love, hatred, favour or fear, as in the forementioned Statute is more largely expressed.

Part of the oath, which all persons take when they are admitted actual Fellows, runs thus:—Item, I do swear that I will not procure any dispensation contrary to my foresaid oaths, or to any part thereof, nor contrary to the Statutes and Ordinances to which they relate, or any of them, nor will I endeavour that such dispensation should be procured by any other or others publickly or privately, directly or indirectly; and if it shall happen that any dispensation of this sort shall be procured or freely granted or obtained, of what authority soever it be, whether in

general or particular, or under what form of words soever it shall be granted; I will neither make use of it, nor in any sort consent thereunto. So help me God. (*Johnston.*)

[*Endorsed on the back of this,*] April the 24th, 1687.

50.

1687, April 24 (?). Address to the King.

We your Majesty's most humble and most dutiful subjects, the Fellows of St. Mary Magdalen College in Oxford, being deeply afflicted with the late sense of your Majesty's heavy displeasure, grounded, as we in all reason humbly presume, upon the most unkind mis-representation of our actions in relation to the Election of a President into your Majesty's said College, do humbly beg leave to prostrate ourselves at your Royal feet, offering all real testimonies of duty and loyalty. And as we have never failed to evince both our principles and practices to be truly loyal, in obedience to the commands of your Royal Brother, and your sacred Self, in matters of the like nature, so whatsoever way your Majesty shall be pleased to try our readiness to obey your Royal Pleasure (in any instances that do not interfere with and violate our consciences, which your Majesty is studious to preserve) we shall most gladly and effectually comply therewith: a stubborn and groundless resistance of your Royal Will and Pleasure in the present and all other cases, being that which our souls eternally abhor, as becomes your Majesty's most dutiful and obedient subjects.

Alexander Pudsey, D.D.
Thomas Stafford, LL.D.
John Rogers, B.D.
Mainwaring Hammond, B.D.
Robert Almont, B.D.
James Bayley, M.A.
Richard Strickland, B.D.
Henry Dobson, M.A.
James Fayrer, M.A.
Joseph Harwar, M.A.
George Hunt, M.A.
William Craddock, M.A.
John Gilman, M.A.
Charles Penyston, M.A.
Henry Holden, M.A.
John Smith, D.D.
Thomas Bateman, M.A.
John Davys, M.A.
Edward Yerbury, M.A.
Robert Thornton, M.A.
Robert Hyde, M.A.
Robert Holt, M.A.
Stephen Weelkes, M.A.
Francis Bagshaw, M.A.

(*Johnston.*)

51.

1687, April 23–27. Continuation of Dr. Thomas Smith's Narrative.

About the 23rd of April a Letter written two days before (21st of April) came from my Lord Sunderland directed to the Fellows of the College, requiring us in the King's name to give an account of what had passed at the Election the week before, and whether the King's Letter Mandatory had not been delivered before the election of Mr. Hough. To this an answer was framed, to which I told them I could not sub-

scribe, nor approve of the Case drawn up in several of the particulars alleged, and therefore I desired to be wholly unconcerned for the future, as I really was, in this troublesome business, which might have been prevented by our petitioning the King a second time; and upon the reading both of the Letter and Case, I bid M^r^. Almont our Steward and Public Notary to take notice that I disliked several things both in the one and the other, and before him and in the presence of the Fellows in the Cheque (the Bursary) publickly interposed my dissent. After this I refused to be present at other meetings which were had about petitioning the King. A Petition, I heard, was drawn up to be presented to the King, and the President and three or four of the Fellows with him went up on Wednesday, 27^th^ of April, to deliver it.

52.

1687, early in May (?). Case of S^t^. M. Magd. Coll. Oxon relating to the election of the President according to the Statutes.

[*By D^r^. Aldworth.*]

The præsidentship of our College being uoyd by the death of D^r^. Clerke, the day for the ensueing election is decreed, as the Statutes direct, & published by a Citacon fixt up at the Chappell doors. Before the day of election, we had notice of His Majesties design to recomend M^r^. Anth: Farmer to be our præsident; whereupon by aduice of the B^p^ of Winton, our patron & Visitor, we petition'd His Majesty, setting forth, That the said M^r^. Farmer was uncapable of y^t^ office by our Statutes, & praying to be left to the obseruance of our oaths, & a Statutable election. After this, hauing seriously considered as well our duty to His Majesty, as our obligacon to observe the Statutes, & in order thereto adjourn'd the election from day to day to the utmost time limited by the Statutes, we unanimously agreed, (2 or 3 excepted,) out of a conscientious discharge of y^e^ Trust reposed in us by our Founder, to proceed to election according to his Statutes; And after the H: Sacrament first receiued, a strict Oath taken, & all things regularly performed, we elected the Reuerend M^r^. J: Hough præsident, a person in the whole course of his life of approved loyaltie, & euery way qualifyd for y^t^ Office. Which Election was approued, ratifyd, & confirmed by the B^p^ of Winton, & the said M^r^. Hough Admitted & Sworn præsident by His L^d^ship.

Reasons against M^r^. Farmer.

1^st^. He was neuer fellow either of this College, or New College; which is a qualificacon necessary by our Statutes.

2^ly^. He is a person of no good fame; which is likewise a qualificacon requisite by Statute, & absolutely necessary in the person of a Gouernor.

3^ly^. He is a Stranger, wholy unacquainted, & unexperienced in the affairs of the College; which yet in this Statute de electione præsidentis, & seueral others, is specially & most expressly to be considered in the choice of a præsident. And therefore lastly,

4^ly^. Hauing so great a Trust reposed in us by our pious Founder in this election, præparatory to which we receiue the B: Sacrament, & take

a most strict Oath, we could not without the greatest uiolence to our Consciences consent to the election of a person in our judgements utterly incapable of y^t^ Office.

Ob. If it be Objected, That the King in His letter does dispense with our Statutes; And y^t^ in like Cases we have elected præsidents in obedience to the K.s letters.

We Answer,

Sol. 1^st^. Quære, How far a Letter from His Ma^ty^ will be a legal dispensacõn from the Obligacõn of our Statutes?

2^ly^. When admitted Fellows of the Coll, we are sworn to observe inuiolably all the Statutes; And by a Clause in y^t^ Oath, we are obliged neither to procure, accept, make use of, or consent to any dispensacõn from our Oaths, & obseruance of our Founder's Statutes, by whomsoeuer procured, or by w^t^ Authority soeuer granted.

3^ly^. As to our former practise; D^r^. Pierce was elected in a Statutable way, tho' recomẽnded by the King. And if we have sometimes submitted to His Ma^ties^ letters, without the formality of Election, it has been in such Cases, when persons have been recomẽnded that were duely qualifyd by Statute: in which Cases we have been ready to comply with His Ma^ties^ pleasure in determining our choice, & in the like case should have been so now, as appears by our petition.

Tis true D^r^. Haddon was a Cambr: man, & neuer fellow either of our College, or New College: but 1^st^, we are not answerable for any irregularity in His election, which was ult. Edw: 6^ti^. 2, We know not w^t^ force was at y^t^ time upon the College. 3 The said D^r^. Haddon was euer accounted an Intruder, & before the end of the same year ran away from the College, & left his præsidentship.

Ob. If after all it be said, we have admitted præsidents, & fellows, on receipt of the K.s letters, without taking the Oaths præscribd in the Statutes, We Answer,

Sol. It has neuer been so done, but where the Substance of the s^d^ Oaths has punctually been obserued as to all the qualificacõns requisite in the persons so elected. And we are perswaded, our readyness to yield all due obedience to our Soueraigns comands when requiring any thing of us consonant to our Statutes, shall neuer be made an argument to force our consciences in other cases directly contrary to our Statutes.

Ob. If it be said, we are not so tender of our Oaths in the Obseruance of other Statutes, as we pretend to be in this of the Election of a præsident.

Sol. We Answer, we are. For proofe whereof, tis to be considered, That in most other Statutes there is a certaine penaltie inflicted on the delinquent, or if no penaltie specifyd, then the delinquent is to be punished according to the discretion of the præsident & Officers: in which cases our wise Founder provides, y^t^ no delinquent shall incurre the guilt of perjury, unless pæna perjurij be the Sanction of y^t^ particula Statute ag^st^ which he offends, or unless he refuse to submit to suc other punishments imposed by the Statute.

Ob. Lastly, If it be said, seueral of our Statutes with reference to th Ch: of Rome are totally laid aside, which can neuer stand with our Oatl to observe all our Statutes.

Sol. Our Answer is, That we act conformably to your Ma^ties laws, which have regulated some parts of our Statutes; And that we own our selves Loyal Subjects to your Ma^ty, & Members of the Ch: of Engl: by law established, which your Ma^ty has most graciously promised to protect.

For my own Vindicacon in giuing way to a Statutable Election, it may be considered,

1^st. That I lay under the same obligacon of Oaths to obserue the Founders Statutes, as all the rest of the fellows did.

2^ly. That I was of necessity concluded by the Majority, hauing no negative uoice in this election giuen me by the Founder; And if I had, the same is absolutely taken away by 33 Hen. 8, cap 27.

3^ly. That I used all honest endeauors in behalfe of M^r. Farmer; proposing the electing of him uiuâ uoce, in obedience to the K.'s letter; or at least admitting him in obed: to the King, without any election: but the genrality judgeing him uncapable, & uoteing for a Statutable election, I was necessitated to joyn with them; & hauing taken a strict Oath, & receiued the holy Sacrament, I could doe no otherwise then as my Conscience directed me, which His Ma^ty has most graciously declared He will neuer force.

(*Endorsed*)—Our Case Stated by Myselfe.

(*Braybrooke MS.*)

53.

1687, May 7. A defence of the late Election of the præsident of S^t. Mary Magd: Coll in Oxford.

1^st. The vndoubted Right of y^e fellows to choose y^r præsident, as appears by their Statt. which Statt. the founder was empowerd to make by Charta Henr: 6^ti: which Charter has been since Confirmed by seueral Royal Charters as well before, as since y^e Reformacon; And by an Act of parlt 13^o 2 Eliz. (uide Cokes Inst. 4^th p^t, Cap. of y^e Courts of y^e Vnivers: of Oxf & C) All y^e Rights franchise imunities liberties etc of both those bodies & all p^ts of 'em are for euer confirmd, so y^t no Quo Warranto, scire facias, etc, will lye ag^st 'em.

2^ly. The Oath we have taken to observe these Statt; & to admit of no dispensacon (by w^t autority soeuer) ag^st the plain letter & meaning of them.

3^ly. Our obligacon to elect a præsident qualifyd accord: to the s^d Statt. & his Character therein.

4^ly. That accordingly our Election of M^r. Hough was in all points regular, both as to his qualificacons, & the manner of election.

5^ly. Y^t upon a bare report only of M^r. Fs having obteined y^e Ks letter, & before y^e receipt thereof, we addresst early to His Ma^ty in our Most Humble petition, setting forth therein the incapacity of M^r Farmer, & shewing our selves to comply with His Royal will in behalfe of any one y^t should be duly qualified by our Statt, & accord: to y^e Oaths we lay under. On acc^t of which petition lying before His Ma^ty, we adjournd y^e election from day to day to y^e utmost time limited by Statute.

lastly. That as well by y^e Visitors & our letter to my L^d præsid: of y^e Council, as by our Addresses to His Gr: y^e L^d of Orm: our Chancellor

& to ye Bp of W. our patron & Visitor, we have done all we can to represent our Case to his Maty, & how unfortunate we are under the apprehension of His Royal displeasure.

Agst ye Coll may be pleaded

1st. The K.s Right by præscription. In answ: to which we Reply

1st. Yt of Nineteen præsidents since the foundacon, All came in by a Statutable election (as appears by our Registers), 3 only excepted viz. Dr. Haddon, Dr. Bond, & Dr. Clerke. tis said, yt Dr. Oliver came in by a Letter from King Ch: 1st, but this does not appear to us, the great Register wherein yt election was enterd at large being lost, & all yt appears upon ye Register in ye Cust: of ye Vicepr is, yt ye sd Dr. Oliver was Electus ad Officium præsidentis Maij uicesimo sexto an: 1644, et Admissus ejusdem Maij uicesimo 8uo.—Dr. Pierce had 2 letters Mandatory from K: Ch: 2d., but was elected & admitted pr: in all points accord: to ye Statute.

2ly. Of those yt came in by ye K.s letters, The first was Dr. Haddon, & comes nearest ye case, as having neuer been fellow of our Coll. or New Coll. & and so in yt respect as much unqualified as Mr. Farmer. He was elected sexto Edw: 6th. 15 Oct. an: 1552 by 2 letters & a special Mandate from ye King; but the Case will appear uastly different, if it be considered; 1st. That The Ks letter was sent to the Coll. before the resignacon of Dr. Oglethorp the former præsident, with an express prohibition to proceed to the election of any other. 2ly. yt 21 Sept: preceding ye election Letters were sent to ye Coll. from ye Council, comanding uti in omnibus juramentis seu præsidentis seu sociorum in ipsorum admissione hæc Clausula adhiberetur, viz. Hæc omnia obseruabis, quatenus prærogatiuæ ordinãonibus et Injunct. regijs, juribusque et Statt. regni non aduersentur; sicut Deus te adjuvet et sancta Dei Evangelia: which order of ye Council was reversd 1mo. Mariæ, & ye Coll. comanded statuta per omnia obseruare, antiquatis injuncts. ac ordinãonibus omnibus in contr: editis: & so it continues ever since. 3ly. yt Maij 8uo 1549 Regij delegati for ye Visitacon of the Vnivers. had open'd their Comission at St. Maries, & establisht seueral new statt. & injunctions, as well for ye whole Vniversity, as part: Colleges. 4ly yt ye Coll, as appears by yr humble remonstrance to ye King, & by ye Register of ye election, did acknowledge dr. Haddon to be a person of most singular parts & endowments, & worthy of a far greater preferment, & of a temper fit to preserve ye peace of ye Coll (which is by our founder expressly considered in ye character of his præsident,) & expressd how gladly they should accept him had he been of yr own foundacon, or New Coll. & lastly; yt that if they did not punctually observe their oaths, yt will excuse us from keeping ours.

Dr. Bond was recomended to the Coll by Q. Eliz, who in her letter takes notice of ye great duty which in conscience & by oath they were straitly bound to, & requiers them to elect dr. Bond pr: as one yt had been long of yr Society, born all the seueral offices of ye house, well acquainted with ye Statt. & orders of ye house, & euery way sufficiently qualifyd to govern & benefit ye same. After which a difference arising at ye election, & by reason of some disorderly proceedings ye time of election being lapst, Dr. Bond is made pr: by a diploma from ye Queen, wherein the Q: owns the right of election to be in ye Coll, & yt she will protect

them therein; And y^t she claimed y^e right of electing y^e præs pro illa uice by deuolution, Jure sibi per deuolutionem acquisito,) & in favor to y^e Coll. for remedy & supply of their defect in lapsing y^e time of election; which defect could be supplyd by no other autority but y^e Queens.

D^r. Clerke was admitted præsident by letters from K. Ch: 2^d, who therein recomends him as a person every way qualifyd accord to y^e founders Statt. & of great & long experience in y^e Statt. Customs revenues & whole Condition of y^e s^d Coll.

From y^e premisses it may be considered y^t of these few instances D^r. Haddons was a very partic: case, y^e Coll at y^t time with y^e whole university lying under a Visitacon & hauing several new oaths & statt. imposed on them. y^t Q. Eliz: did jure suo make D^r. Bond præs: y^e Coll. hauing lapsd y^r election, whose right otherwise y^e Q acknowledgd: y^t D^r. Pierce & D^r. Clerke were in all respects qualifyd by Statute both as to y^r relacon to y^e Coll, & all other personal qualificacons: in which case we should also thankfully have complyd with his Ma^ties. pleasure as appears by our petition. Nor can we apprehend how our readiness to submit to his Ma^ties. plesure, w^n by our Statt. we may, can prejudice our rights of election, & cancel these oaths & obligacons so strictly tyed upon us by our Founder. But 2^ly

It may be Obj: y^t y^e King in M^r. F's Case does dispense with our Statt. And y^t y^se dispensacons, & such like graces, are a principal branch of y^e supremacy. We Answer 1^st., When admitted fellows of y^e Coll. we are sworn to observe inuiolably all y^e Statutes; And by a Clause in y^t Oath we are obliged neither to procure, accept, make use of, or consent to any dispensacon from our Oaths & obseruance of our Founders Statt. by w^t autority soeuer granted, 2^ly M^r. Farmer had no legal dispensacon under y^e broad Seal. 3^ly., we conceiue such a dispensacon, tho' it might be an act of grace to M^r. F. & capacitate him to some purposes for which he was incapacitated before, yet will not bind us to act contr: to our Statt. to the obseruance whereof we are solemnly sworn. 4^ly There is a trust reposed in us to perform y^e will of our Founder, & thereby a duty indispensable.

If it be said, seueral of our Statt. are antiquated by Act of Parl^t. since the Reformacon, which cant stand with our pretended obligacon to reject all dispensacons from our Statt by w^t Autority soeuer granted: We Answ: That we professe to live conformably to His Ma^ties. laws which have null'd some parts of our Statt; And y^t we own ourselves Members of y^e Ch: of Engl by law establisht, which His Ma^ty has most graciously promisd to protect.

If it be said y^t we have sometimes submitted to y^e K's letters without y^e formality of a statutable election. We Ans: It has been in such Cases, when persons have been recomended y^t were duly qualifyd by Statute; In which cases we have been ready to comply with His Ma^ties. pleasure in determining our Choice, & in y^e like case should have been so now, as appears by our petition.

If it be said, some of our selves came in by favor of y^e K.s letters. Answ., we thankfully own it, but we were qualifyd by our Founders Statutes.

If it be said, our late præsident & seueral fellows have been elected & admitted on rec: of y^e K.s letters by us without taking y^e oaths

præscribed in order to such elections: We Answ: It has never been so done, but where the substance of y^e^ s^d^ Oaths has punctually been observed as to all y^e^ qualificac̃ons required by those oaths in y^e^ persons to be elected, in which cases we have taken y^e^ surest in fauor of y^e^ person com̃ended by y^e^ King. And we are perswaded, our readyness to yield all due obedience to our Soveraigns Com̃ands, when requiring any thing of us consonant to our Statt, shall never be made an Argument to force our consciences in other cases directly contrary thereto.

If it be said, Our late præsident was not qualifyd by Statute, as not being in holy orders, We Ans: 1^st^. That The founders Statute which we are to observe as our rule in this election, & our Oath therein, expressly oblige us to nominate such for præsidents, as are in Theologiâ Jure ciuili canonico vel in Medicinis doctores vel Artium magistri but doe not express y^t^ he be in holy orders. 2^ly^. y^t^ hauing receivd y^e^ K.s letters in fauor of y^e^ s^d^ D^r^. Clerke, they did not thinke meet to reject a person so recom̃ended, & otherwise duly qualified for y^e^ Office, on defect of a qualificac̃on not clearly expresst in y^e^ statt. 3^ly^ y^t^ nevertheless upon presumption y^t^ y^e^ Founder intended his præsident should be in H: orders, the s^d^ D^r^ Clerke did after his election take orders, & thereby fully satisfye y^e^ intent of y^e^ founder in the opinion of y^e^ then Visitor G. L^d^ B^p^ of Winton̄, to whose judgem^t^. all ambiguities in our statt. are referrd, & thereby finally determind. Lastly, y^t^ most of us were unconcernd in d^r^. Clerks election; nor can any defect therein, by reason of ambiguity in y^e^ statt. warrant us to proceed to y^e^ choice of a person uncapable by y^e^ express letter of y^e^ Statute, & an express Clause of our oath, & lyable to such an incapacity as could never possibly de postea be supplyd, such was his not having been fell: of this Coll. or N: Coll.

If it be said, y^t^ we ourselves did not punctually observe y^e^ letter of y^e^ statt. in our last election, viz. Missa Spiritus Sancti omitted, Scrutiny not begun in due time:

We Answ: 1, that y^e^ Com̃union office in order thereto was read, & the holy Sacrament administerd, the oaths taken, the Scrutiny regularly performd, & all things performd without y^e^ least disorder, nor did any one except ag^st^ y^e^ fairness of our proceedings as to y^e^ Statt. 2, our wise founder forseeing how apt some might be to cauil at every little nicety in the election, has provided etc. (*uide* at large & excellently [in the] defence of R: Smiths election, præs: vellum booke page 192.) lastly y^e^ election certifyd & confirmed by y^e^ Visitor, who only could except to our proceedings.

If it be said, we are not so tender of our oaths in y^e^ obseruance of other Statt, as we pretend to be in this.

We Answ: we are. For proofe tis to be considered That in most of our statt. there is a certain penalties inflicted on y^e^ delinquent, or if no penalties specifyd then y^e^ delinquent to be punished accord: to y^e^ discretion of y^e^ præsident & officers: In which cases our wise Founder prouides, y^t^ no delinquent shall incurre y^e^ guilt of perjury, unless pœna perjurii be y^e^ sanction of y^t^ partic: Statute, ag^st^. which be offends, or unless he refuse to submit to such other punishments as shall be inflicted on him by y^e^ pr: & officers.

As to any flaw in y^e^ election, 1^st^. w^t^ ever was essential was duly

observed as citacõn, Sacramt, oaths, scrutiny, pronunciacõn, & his personal qualificacõns. 2. if any defect, in circumstantials, ye Bp of Wintons ratificacõn answers it.

Our Reasons agst Mr. Farmer, if demanded, are these.

1st. He was never fellow either of this Coll. or N : Coll.; a qualificacõn expressly requisite by statute.

2. He is a person of no good fame; a qualificacõn likewise requisite by Statute, & absolutely necessary in ye person of a Governor.

3ly. He is a stranger, wholy unacquainted & unexperiencd in the ordinances statutes customes & revenues of ye Coll; all which are chiefly cõmended to ye care & prudence of ye pr : by ye founder.

4ly. Yt he is not of a peaceable temper, which is most specially required in the character of ye præsident.

5ly. He has not been discretus in temporalibus, providus, et circumspectus, as to his own concerns, & therefore unfit to be trusted with ye revenue of ye College. & therefore

Lastly. Hauing so great a trust reposed in us by our pious founder in this election, præparatory to which we receive ye b : Sacramt, & take a most strict Oath, we could not without ye greatest uiolence to our consciences consent to ye election of one in our judgemts. utterly incapable of yt office.

If it be said, yt Mr. Farmers ill fame (the chiefe objection agst him) is not proved. 1st., We Answ: it appears by his behauior at Abingdon & Fox Hill at ye very time ye Kings letter came for him, by his behauior since his being of this Coll., by his behavior at Maudlyn Hall, & his being forct to leave it, by his behavior formerly at Cambridge & after when a Schoolmaster in ye Countrey.

If it be said, these are for ye most part reports, which are usually groundless & false. We Answ: some part will be proved: & for the rest, tho' bare reports are not sufficient to endite a man; yet when credibly averrd they are sufficient for us, who are sworn to elect a Man of a good fame & reputacõn; & it concerned him to have cleerd himselfe before ye election.

If it be said, several of us not long since gave him a testimonium under our hands. We Answ: Such testim: run to ye best of our knowledge & as far as we are informd, quantum scimus, et quantum nobis innotuit, And knowing then but little of him, being lately come to our Coll. we thought ourselves in charity obliged to give him yt testimony, which we are sorry we cannot doe now yt we are better informd.

* * * * * * *

If it be obj: yt in ye case of ye diuinity Reader we ourselves appeald from the Visitor to ye late King, thereby owning His prærogative. We answer we then prayd His Matys fauor in defence of an Election made regularly accord: to Statute, & humbly pray ye same fauor now. And yt we have formerly, & must always (when we find ourselves oppresst) fly to His Royal justice & goodness for protection.

3 *points to be especially cleer'd*

1st: Why we now charge Mr. F's Morals, hauing giuen him a testimonium under our hands abt Xmas last?

2ly: How we make this charge out agst him?

3ly. Whither we did not rashly proceed to election, after receipt of the Ks letter, (supposing Mr. Fs incapacity,) before ye Ks pleasure was farther known?

If Mr. Fs friends recriminate. We Answ: 1st: Let euery one answer for his own faults when they are legally charged. 2ly, Howeuer criminal we may be thought ourselves we maintain in ye present case we have elected a person without exception. 3ly, As to ourselves, The election of a person so every way qualifyd, & so unblameable, will (we hope) in ye mean while be a charitable presumption yt we are not so obnoxious as we are pretended to be.

Sat: May 7.

Questions put to the Vicech. of Cambr.

2. Q. Whither some one had not been admitted without takeing ye Oaths?

A. Neuer by him.

3. Q. Whither some one had not been admitted to degrees by ye Ks. letters?

A. Only to Honorary degrees. He instanced where a Mandate had been rejected.

1. The first question was, wt were the Oaths he was sworn to?

A. To observe the laws of ye Land, & ye Statt. of the Vniversity.

The Vicech: being by ye Court suspended from His office, & headship, during the K.s plesure; The rest yt were delegated in ye same business, & sign'd the plea, were also ordered to attend Thursd: following.

The Vicepr: plea for Himselfe.

1st: That he lay under the same obligacon to observe the Founders Statt, as all the rest of fellows did.

2ly. That he was of necessity concluded by the majority, hauing no Negative uoice this election giuen him by ye Founder.

3ly. If it be said, such a Negative is uirtually included in his Office: tis answered first, That ye late Bp. of Wintoñ being consulted on this point, told the late pr: to his face, that if he denied to propose things to ye Society accord: to ye statt. he ought & would for yt reason expell him: much less therefore may ye vicepr: use such autority: tis answered 2ly, That ye Vicepr: was not in ye Ks letter comanded to stop proceedings in case they refus'd to elect Mr. Farmer: tis answered 3ly, That such a Negative is absolutely taken away in all elections by an express Act of parlt, uiz. 33 Hen: 8, c: 27.

4ly. That he used all fair & just endeauors in behalfe of Mr. F, proposing ye electing of him uiuâ uoce. in obed. to ye K.s letter, or at leas admitting him in obed: to ye Kg. without any election; declaring myself for a farther address to His Maty. But ye generality judging Him uncapable, & uoting for a statutable election, for yt they had stayed ye utmost time præfixt for yt election; I was necessitated to joyn with them And hauing a strict oath to choose a man qualifyd by Statute, & receivec ye H. Sacramt in order thereto, I could doe no otherwise then as my

Conscience directed me, which His Maty has most graciously declared He will never force. If obj: why I gave ye oath, which was wholy in my power? Ans.

A transcript of ye Statt de Hen: 8, c. 27.

A transcript of ye Founders stat. de elect. præs: directing ye Vicepr: to cite, swear, regulate accord: to ye sd. Statute, but no where empowering him to over rule, or stop proceedings. Neither had he any comand from ye Kg. so to doe, ye letter dispensing with Mr. F, but not with ye electors Oaths, nor inhibiting them to proceed to a statutable election, in case they could not choose Mr. Farmer. Notwithstanding which, ye election prorogud, & early notice given to the Kg by petition. The Founder so far from empowring ye Vicepr: to over rule ye election, yt he does not allow yt power to ye Visitor, who is obliged absque morâ to admit, or otherwise ye præsident in jure electionis suæ is complete without it. The most I could doe was to propose fauorably, ye Majority to determine.

Copies of such statt., or Registers, as are for our purpose, to be authenticated.

(*Baybrooke MS.*)

54.

1687, May 28. Proceedings taken against the College.

At length his Majesty, thinking it expedient that the Fellows of St. Mary Magdalen College should be called to an account for their disobedience, ordered the Lords Commissioners for Ecclesiastical Causes to proceed against them. Therefore the following summons was sent to them.

> By His Majesty's Commissioners for Ecclesiastical Causes, and for the Visitation of the Universities, and of all, and every, Cathedrals and Collegiate Churches, Colleges, Grammar Schools, Hospitals, and other the like Incorporations or Foundations and Societies.

Complaint having been made unto us that the Vice-President and Fellows of St. Mary Magdalen College in the University of Oxford have refused to comply with his Majesty's Letters Mandatory for electing and admitting Mr. Anthony Farmer President of the said College in the room of Dr. Clark deceased, and that, notwithstanding his Majesty's said Letters, they have elected Mr. John Hough President of the said College, you and either of you are hereby required to cite and summon the said Vice-President and Fellows, requiring them, or such of the said Fellows as they shall depute on their behalf, to appear before us in the Council Chamber at Whitehall upon Monday, the sixth of the next month of June, at four in the afternoon, to answer to such matters as shall be objected against them concerning the premisses. And of the due execution hereof you are to certify to us then and there. Given under our Seal the 28th day of May, 1687. To Thomas Atterbury and Robert Eldowes, or either of them.

Extracted out of the Register Book from the 28th of May to the 5th of August.

(*Johnston.*)

55.

1687, May 28. At a Court in the Council Chamber at Hampton Court.

Present:

The Lord Chancellor.	The Bishop of Durham.
The Lord President.	The Bishop of Rochester.
The Lord Chamberlain.	The Lord Chief Justice Herbert.
Earl of Huntingdon.	

The business about the election of the President of Magdalen College in Oxford moved.

The Court ordered a Citation against the Vice-President, and the Fellows of the said College, or such of the Fellows as shall be empowered to appear the next Court day at the Council Chamber in Whitehall, on Monday sennight at four o'clock[1].

56.

The State of ye Case of ye Vicepr: & Fellows of St. Mary Magdalen Coll in Oxford.

Thursday, Mar: 31. Vpon Notice of ye death of Dr. Hen: Clerke late præsident of ye sd College, It was unanimously agreed by ye Vicepr: & Fellows of the sd Coll to proceed to ye Election of a præsidt on Wednesday ye 13th of Apr: following. And in order thereto a Citacon was fixt up ye same day at ye Chap: door, signifying ye uacancy, time, & place of election according to ye direction of ye Statutes.

Saturday, *Apr* 9th. It being reported yt Mr. Anth: Farmer had obteined His Majesties Letter Mandatory to be presidt of ye sd College, The Vicepr: & Fellows represented to His Majesty by their most humble petition bearing date ye sd 9th of Apr: yt ye sd Mr. Ant Farmer was incapable of yt Office by yr Statt., praying to be left to a free election, & obseruance of yr Oaths.

Monday, Apr: 11th. The Vicepr: receiued His Majesties letters Mandatory directed to ye sd Vice-presidt & fellows, requiring ym forthwith to elect & admit ye sd Mr. Farmer præsidt which letter was ye same day comunicated by ye Vicepræsidt.

Wednesday, Apr: 13th: This being ye day Appointed for ye election, The Vicepr: & fell met in ye College Chappell, & hauing read ye founders

[1] These Minutes of Proceedings of the Privy Council are to be found in a MS. Boo in the Rawlinson Collection in the Bodleian Library, D. 365. p. 20. The Rev. W. I Macray states, 'It is apparently the Book of hasty minutes jotted down by the Se cretary at the meetings of the Ecclesiastical Commissioners, as his private Book, an intended for further transcription into the official Register. It was bought at the sal of his daughter's Library by Rawlinson for 1*s.* 6*d.*' Unfortunately three leaves hav been cut out where all the most material passages about Magdalen College might l expected. The official Register has not been discovered.

Statute de Electione præsidentis, as likewise ye K.s letter, in regard of their petition then lying before His Majesty adjourned ye election to ye next day, & afterwards on ye same acct till fryday following.

Fryday, Apr: 15th. A Message was deliuered to ye Societie by 2 of ye fellows from my Ld præsidt of ye Council, That His Majesty hauing sent His letter to ye Coll. for Mr. Farmer expected to be obeyed. After which, the greatest pt of ye Fellows declared they thought ymselues obliged to proceed imediately to election, for yt they had stayd ye utmost time limited by ye Statt. for yt election. And hauing taken ye usual oaths, & receiued ye H: Sacramt præparatory to ye sd election, they Elected ye Reuerend Mr. J: Hough præsidt, a person in all respects duely qualifyd for yt Office.

Saturday, Apr: 16th. The sd Election was ratifyd by ye Right Reuerend Father in God Peter Ld Bp of Wintoñ Visitor of ye Coll, & Mr Hough sworn, & admitted presidt by His Ldship.

Sunday, Apr: 17th. Mr. Hough was install'd at 4 in ye Afternoon, & tooke his Seat in the Chappell of ye College.

The whole proceeding was orderly & regular, as will appear by the attestacon of the publick Notary who attended the Election.

Monday, 30th of May. The sd Vicepresidt & fellows were Cited to appear before His Majesties Comissioners for Eccles: Causes etc, to answer why they refused to comply with His Majesties letter mandatory for electing & admitting Mr. F: presidt.

In Answer whereto

They most humbly Offer to your Ldships Consideracon.

1st. The Character of ye presidt in ye Statutes, viz. præsidens sit vir bonæ conuersaõnis et honestæ, scientiâ, bonis moribus et conditionibus approbatus etc.

2ly. The Electors Oath, viz.

Tu Jurabis, quod postpositis omnimodis amore, fauore, odio, timore, etc, Nominabis unum uel duos de Socijs ipsius Collegij etc, uel de Socijs Collegij B: Marie Wintoñ in Oxoniâ etc; Quos in conscientiâ tua magis idoneos, sufficientiores, discretiores, utiliores, et aptiores ad subeundum et exercendum præsidentis officium sperueris et firmiter credideris etc.

3ly. The Oath taken by euery fellow at his admission, viz:

Ego Juro, quod omnia Statuta et ordinaõnes hujus Collegij etc inuiolabiliter tenebo et obseruabo. Item quod non impetrabo dispensãõnem aliquam contra juramenta mea prædicta, uel aliquam particulam eorundem, nec contra ordinaõnes et Statuta, aut ipsorum aliquod etc. Et si forsan dispensãõnem hujusmodi impetrari, gratis concedi, uel acquiri contigerit, cujuscumque fuerit Autoritatis, ipsâ non uter, nec eidem consentiam quouis modo.

The premisses considered, The sd Vicepræsidt & fellows doe humbly offer, That they haue neuer faild in their duty & allegiance to His Majesty, or His Royal prædecessors, & are most deeply affected yt they could not in regard of their aforesd Oaths comply with His Majesties letter for electing & admitting Mr. F: presidt, the sd Mr F: hauing neuer been fellow either of their Coll, or New Coll, nor otherwise qualifyd as yey uerily belieue by his life & manners for yt employmt: they farther offer, yt ye sd Mr. F: is reputed to haue left ye Comunion of ye Ch. of

England by law establisht, which they are bound to Maintain. Humbly praying your Ldships they may be dismisst, & hopeing in regard of His Majesties great clemency, & His gracious declaracõn, they shall not be censured for obseruing their Oaths, & acting conformably to His Majesties Laws.

(*Endorsed*)—The College Plea. (*Braybrooke MS.*)

57.

Notary's Certificate.

June 2d: 1687.

I James Almont publick Notary being present at the late Election of the President of St. Mary Magdalen College in Oxford, doe hereby Certify, that all persons therein concerned behaved themselves quietly & regularly Without the least Disorder.

James Almont publick Notary F.

(*Endorsed*)—Notary's Certificate.

(*Braybrooke MS.*)

58.

'A breuiate of the proceedings before ye Lds Comissionrs for Ecclesiastical Causes, & for Visitacõn of ye Vniversities, Colleges, etc.'

(*By Dr. Aldworth. See* Nos. 63, 66, 74, 80.)

1687, May 30. The Vicepresidt & fellows of St. M. Magd. Coll. Oxõn were summond to appear before ye Lds Comissionrs at ye Council Chamber in Whitehall ye Sixth of June following, to shew reason why they did not obey ye K.s letter requiring ym to elect & admit Mr. Anth: Farmer presidt? which sumons under ye Comissioners seal bears date May 28th 87.

(*Braybrooke MS.*)

59.

1687, June 6. As above.

The Delegates of the Fellows, viz. Dr. Charles Aldworth, Vice-President, Dr. Henry Fairfax, Dr. John Smith, Mr. Mainwaring Hammond, Mr. Henry Dobson, and Mr. James Fayrer, appeared before the Commissioners, and desired time for consideration, which was granted them till June 13th.

60.

1687, June 6. Continuation of Dr. Thomas Smith's Narrative.

About the 6th of June I asked leave to be absent for some time from the College, and went to London: where I continued extremely afflicted for the troubles brought upon the College by this hasty election; nor would any curiosity carry me to Whitehall to be present at the several times the Fellows were summond to appear by his Majesty's Commissioners for Ecclesiastical Causes and for the Visitation of the Universities, sitting at Whitehall, though one or other of the Fellows would

come to my lodgings, and give me a particular account of their proceedings, which no way concerned me to relate.

61.

1687, June 6. Extract from the Diary of Bishop Cartwright.

'I was at Whitehall with the High Commissioners, where the Vice-President of Magdalen was asked by my Lord Chancellor whether he did not receive a Mandate from the King to make Mr. Farmer President, and why he disobeyed it; to which he replying that he desired time to advise with council before he answers, his Lordship said that he was like a man of his coat (Aldworth a civilian) first to do an ill thing, and then to advise with council to defend it; but told him in fine that the Commissioners would not be so hasty in adjudging him as he had been in disobeying and contemning the King's authority, and therefore bidding him bring the Statutes with him gave him till Monday next' (June 13).

62.

1687, June 6. At a Court in the Council Chamber, Whitehall.

Present:

The Lord Chancellor.	The Earl of Huntingdon.
The Lord President.	The Bishop of Durham.
The Lord Chamberlain.	The Bishop of Rochester.

Dr. Aldworth, Vice-President of Magdalen College, Oxford, and the Deputies of the Fellows attend upon the Citation issued against them.

They did receive the Mandate, and desire time to give an answer. This day sennight at 4 in the afternoon.

63.

1687, June 6. Proceedings of the Commissioners.

(*See* No. 58.)

June 6th. The Vicepresidt, & five other of ye fellows, (dr Fairfax, Smith Sen., Mr. Hamond, Dobson, Fairer) deputed thereto at a meeting of all ye fellows, appeard before ye sd Comissioners, & were askt, whither they had not receiued ye Ks letter for Mr Farmer to be presidt? which being confessd; The next question was, why they did not obey it? To which they pray'd time, yt they might aduise with Counsel in a case of so great weight, & concern to ye whole Society. So they were ordered to giue in their Answer ye 13th of June following. At this first appearance upon our asking hime Ld Ch: obseru'd we had disobeyd ye King, & now desired to aduise with Counsel how to defend our disobedience. I replyed, we had a trust reposed in us by ye Society, & dard not trust our own managemt, yrefore prayd time. Being calld in my Ld told us Their Ldsps would not be so quick with us, as we had been in disobeying ye King; yrefore indulgd us time to giue in our answer till Monday following. And yt yr Ldships orderd us to bring in our Statutes.

64.

1687, June 8. Dr. Aldworth's letter to the newly elected President.

London.

Sir,—Dr. Thomas Smith, I presume, has given you an account of what passed last Monday (June 6th) at our first appearance before the Lords Commissioners. I have likewise sent an account of it to the Bishop of Winton yesterday. We all waited on his Grace the Duke of Ormond, and intend from time to time to give his Grace notice of all occurrences. We are to give in our answer to the question, 'Why we did not obey the King's Letter?' next Monday (June 13), and are now drawing it up as full, and with as much strength as possible, by advice of the ablest lawyers, both common lawyers and civilians. As soon as it is finished, I will send you a copy, if we do not see you here before the end of the week. You know best, Sir, what is fittest to be done; it is our opinion that it may be convenient for you to come up before Monday that you may be ready upon any occasion. Our friends at Doctors' Commons are of the same opinion, and that immediately after our answer is given in and read, you ought to appear by your Proctor before the Commissioners, to allege your interest, and plead your freehold, as being elected, sworn, admitted, and in legal and actual possession of the place of President. However Serjeant Byrche[1] was of a contrary opinion: we have discoursed with him, and he thinks that you should continue at the College. We intend this afternoon to advise with Counsel about our answers, at which time I will ask their opinion about your coming up, as likewise your Instalment, and taking possession on Sunday, which Serjeant Byrche says can be no exception against you. We are commanded to bring our Statutes on Monday, and have therefore sent Ned Jackson down to you to bring up the Dean's Statute Books, that it may be in readiness if the Commissioners insist upon it. Pray, Sir, fail not to send us the best evidence you can get of Farmer's immoralities; for as to Law, we must desire to be heard by Counsel, and, if desired, leave it to their Lordships' own consideration, but what we allege from our Oaths and Statutes we must be able to defend. A modest resolution (to use my Lord of Winton's expression) to maintain our rights, and justify what we have done, is, I think, our province: the success we must leave to God Almighty.

Sir, some of us will not fail to write constantly to you, and we shall be glad to receive your commands and directions. I heartily wish you health and prosperity, and am, Sir, with all sincerity, your most affectionate Servant, Charles Aldworth.

(*Wilmot's Life of Bishop Hough*, p. 342.)

65.

1687, June 13. Proceedings of the Commissioners.

The Delegates appeared again before the Commissioners, and the Lord Chancellor Jefferies said, 'Mr. Vice-President, you desired time to

[1] Edward Byrche, Sergeant at Law, Brother of Dr. Hough's Mother.

bring in your answer why you did not admit Mr. Farmer President of your College,—you have had time assigned you, now what is your answer?'

Then Mr. Vice-President delivered the answer in writing to Mr. Bridgman[1]. It was signed by five only of the Delegates, for Dr. Fairfax did not consent to it, and therefore he desired their Lordships to hear him apart, and take his reasons why he could not subscribe to it.

The Lord Chancellor answered, 'We did not cite Mr. Fairfax but the College. Let us first hear the answer of the College, and then you shall speak.'

Then Mr. Bridgman read the following Answer[2], and the Deputies being withdrawn, the Lords Commissioners thought fit to put off the further consideration of the matter till the 22d instant at ten o'clock in the morning, at which time they were required to appear.

(*Impartial Relation* and *Johnston.*)

66.

1687, June 13. As above.

(*See* No. 58.)

Monday, June 13th. Ld Ch: asked whither our answer was redy? Vicepr: In obedience to yr Ldsps orders we haue drawn up our Answer in writing, & humbly lay it before yr Ldships. The Answer being red (which was signd by all except Dr. fairfax) Dr. Fairfax desired to be heard. He first of all excepted agst yt deputacon from ye Coll, as not being legal (under ye Seals I suppose) tho' himselfe had appeard before upon yt deputacon, & even now pleded yt he was deputed as well as ye rest, & equally to be heard [He excepted likewise yt we could not have a Copy of ye libel or Complaint, as ye law directs in all Eccles: proceedings.] This dispute ran uery high, my Ld Ch saying he was a Madman, & Dr. Fairfax downright questioning ye jurisdiction of ye Court, yt it lay before Westm: Hall, & not before ym; insomuch as my Ld Ch: threatnd to commit him, & orderd him to withdraw. Ld Ch: asking us ife we had any thing further to say, I answered, It was ye Sume of our Answer in reference to our oathe & Statt. If upon reding our Answer any question in point of law arose to yr Ldships we prayd to be heard by our Counsel. So withdrew, hauing first delivred a Copy of our Statutes. After an hours time The Vicepr. was calld in alone, & askt whither there was any other Statutes besides those we had given in? Vicep: there are no other. Ld Ch., Are not your Statutes read every year, & are these all yt are read? Vicepr., They are read ouer publickly once every year, & these are all yt are read. Ld Ch, Are there no statt. of ye Bps of Winton? Vicepr: There are some Injunctions of Bp. Morley, & Bp. Cooper. Ld præs, Those are Statutes, you are by your Statt. to obserue his injunctions. Vicepr., in doubtfull cases ye Visitor interprets, but if he enjoyns any thing contr: to Statute, we are sworn to reject it.

[1] Mr. Bridgman, Secretary to the Commissioners.

[2] See No. 68.

L^d Ch: Is y^re any thing in those injunctions ab^t those elections? Not a word to the best of my remembrance. B^p. Durham, doe y^e take y^e oath as tis in y^e Statutes expressly, or with such a Clause as this, viz. So far as it is not contr: to y^e laws of the land? Ans., expressly as in y^e Statute, & no otherwise. L^d Ch, Is not your pres: obliged to be in orders? Ans., The Statutes seeme to intend it, but no express Statute enjoyns it. L^d Ch, was not one Haddon presid^t? Ans., He was put in y^e last of Ed. Sixth, & before y^e year went ab^t, forct. to quit for fear of being put out as an Intruder.

We were orderd to attend Wednesday sennight to know y^r Ld^sps plesure.

67.

1687, June 13. At a Court in the Council Chamber, Whitehall, at 4 in the afternoon.

Present:

The Lord Chancellor.	The Bishop of Durham.
The Lord President.	The Bishop of Rochester.
The Lord Chamberlain.	Lord Chief Justice Herbert.

The Vice-President and Deputies of Magdalen College attend with their answer signed by the Vice-President and Four of the College Fellows. The answer was read and they withdrew.

M^r. Sollicitor General,	Sir Thomas Pinfold,
M^r. Serjeant Beldock,	D^r. Hedges,

To consider of the matter, and of the Kings Power and Prerogative in this case. They are to attend on Wednesday sennight at 10 in the morning.

68.

1687, June 13. The answer of the Vice-President and other Fellows of S^t. Mary Magdalen College, whose names are hereunto subscribed, being deputed by the rest of the Fellows of the said College, to answer the Question proposed by the Right Honourable and Right Reverend the Lords Commissioners for Ecclesiastical Causes, &c.—'Why they did not obey His Majesty's Letters, requiring them to elect and admit Mr. Anthony Farmer President of the said College?'

The said Vice-President and other deputed Fellows answer and say that the said College of Saint Mary Magdalen in Oxford is a Body Corporate governed by local Statutes, granted and confirmed to them by his Majesty's Royal Predecessor, King Henry the Sixth, for him, his heirs and successors, under the great Seal of England, which are also sinc confirmed by several others Letters Patents of other his Majesty's Roya Predecessors, under the great Seal of England.

That by the Statutes of the said College, to the observation of whicl each Fellow is sworn, it is ordered that the Person to be elected President ereof shall be a man of good Life and Reputation, of approved under-

standing, and of good manners and temper, and discreet, provident, and circumspect, both in spiritual and temporal affairs. And at the time of the Election of a President the said Fellows are bound by the said Statutes to take an Oath, that they shall nominate none to that office but such as are or have been Fellows of the said College, or of New College in Oxford, and if they are not actually Fellows at the time of Election, that they be such as have left their Fellowships, in those respective Colleges, upon creditable accounts. And when two qualified persons shall be nominated at the time of Election by the greater number of all the Fellows to the said office of President, the thirteen Seniors also swear that they will elect one of them, whom in their consciences they think most proper and sufficient, most discreet, most useful, and best qualified for that place, without any regard to love, hatred, favour, or fear; and every Fellow when he is first admitted to his Fellowship in the said College, swears that he will inviolably keep and observe all the Statutes and Ordinances of the College, and all and every thing therein contained, so far as does, or may, concern him according to the plain, literal, and grammatical sense and meaning thereof, and as much as in him lies will cause the same to be kept and observed by others: and that he will not procure any dispensation contrary to his aforesaid Oaths, or any part thereof, nor contrary to the Statutes and Ordinances to which they relate, or any one of them, nor will he endeavour that such dispensation shall be procured by any other, or others, publickly or privately, directly or indirectly, and if it shall happen that any dispensation of this sort shall be procured, granted, or obtained, of what authority soever it be, whether in general or particular, or under what form of words whatsoever, it shall be granted, that he will neither make use of it, nor in any sort consent thereunto, all which several oaths follow in express words at the end of this their answer.

That upon notice of the death of Dr. Clark, late President of the said College, the Vice-President called a Meeting of the said Fellows in order to appoint a day for Election of a new President, and the thirteenth day of April last was the day prefixed, with power to prorogue the same as they should see cause until the 15th day of the same month, beyond which time they could not Statutably defer their Election, and in pursuance thereof a Citation or Præmonition was fixed upon the Chapel-door of the said College signifying the same, and by which the absent Fellows are summoned to repair home to the said Election, as the Statute in that case requires.

And the said Vice-President, and other deputed Fellows further say that upon the eleventh day of the said month of April they received his Majesty's Letters requiring them to elect and admit the said Mr. Anthony Farmer to be President of the said College, but forasmuch as the said Vice-President and the other Fellows apprehended the right of Election to be in themselves, and did believe his Majesty never intended to dispossess them of their rights, and forasmuch as the said Mr. Farmer had never been Fellow, either of Magdalen College, or of New College in Oxford, and had not those qualifications, which in and by the Statutes of the said College are required in the character of a President, as they in their consciences did and do verily believe, and in regard they could not

comply with his Majesty's Letters, without the violation of their oaths, and hazard of that legal interest and property, whereof they are by the said Statutes possesst, and which by their oaths they are bound to maintain; they represented the same by their humble Petition to his Majesty, and having deferred their Election of a President to the last day limited by their Statutes, they then proceeded to Election: and having first received the blessed Eucharist, and taken the said Oaths as the Statutes require, to choose a Person so qualified as is before expressed, they did elect the Reverend Mr. John Hough, Bachelor in Divinity, and one of the Fellows of the said College, a person every way qualified to be their President, who has been since confirmed by the Lord Bishop of Winchester their Visitor, as the Statutes of the said College direct.

And that they might not lie under his Majesty's displeasure by their proceedings, on the nineteenth day of the said month of April they made humble representations thereof to his Majesty, by his Grace the Duke of Ormond, Chancellor of the University of Oxford, setting forth their indispensable obligation to observe their Founder's Statutes.

All which matters the said Vice-President, and other deputed Fellows, do humbly offer to your Lordship's consideration, and pray to be dismissed with your Lordships' favour.

Charles Aldworth, Vice-President.
John Smith, D.D.
Mainwaring Hammond, B.D.
Henry Dobson, Dean of Arts.
James Fayrer, M.A.

(*Johnston: see* No. 69.)

69.

A second version of the Answer (No. 68).

The said Delegates say, for and in behalf of the said Vice-President and Fellows, that the said Saint Mary Magdalen College in Oxford, whereof they are members, is a Body Corporate governed by Local Statutes, granted and confirmed to them by his Majesty's Royal Predecessor, King Henry the Sixth, for him, his heirs and successors, by his Letters Patent, under the great Seal of England, and since confirmed by several Letters Patent of his Majesty's Royal Progenitors.

That the said Fellows of the said College by those Statutes are sworn to provide, that the person to be elected President thereof be a man of good life and reputation, of approved understanding and of good manners, and temperate and discreet, provident and circumspect both in Spiritual and Temporal affairs, and that none be nominated to that office but such as are, or have been, Fellows of the said College, or of New College in Oxford, and if they are not actual Fellows at the time of Election, that they be such as left their Fellowships in the said respective Colleges upon credible accounts; and that upon the vacancy of the said Presidentship, all the Fellows of the said College, or the Major Part then present, shall within 15 days nominate two persons qualified to stand Candidates for the said office of President, and that thereupon the thirteen seniors of the Fellows of the said College do swear upon the Evangelists

that they will elect one of them so nominated, whom in their consciences they think most proper, sufficient, and most discreet, most useful, and best qualified for the Place, without any regard to love, hatred, or favour, as in the said Statute is more largely expressed; and every Fellow of the said College, when he is admitted to his Fellowship, in like manner swears that he will not admit any dispensation contrary to his oath: and if any such dispensation shall be procured, and freely granted, under what form of words whatsoever it be granted, not to make use of it, or in any sort to consent thereunto.

That upon the first notice of the death of Dr. Clerk, the late President of the said College, the Vice-President called a Meeting of the Fellows, in order to appoint a day of Election of a President as aforesaid, and the thirteenth day of April last was the time appointed for the said Election, with power to prorogue the same, as they should see cause until the fifteenth of the said month, beyond which time they were not authorized by their Statutes to prolong the same, and in consequence of this appointment a citation was fixed to the door of the Chapel to summon the Fellows to repair to the said Election, as the Statutes and Customs of the said College in that case provide: that about this time they were informed that Mr. Anthony Farmer, who had never been Fellow of their College, and was otherwise a Person of very ill fame, had obtained his Majesty's Letters Mandatory to be President of the said College.

And in regard they could not comply with such Letters Mandatory, without the violation of their oaths, and their Legal Interest and property invested in them by the said Statutes, they represented the same by their humble Petition to his Majesty, being thereunto encouraged by many gracious expressions of his Majesty in his Royal Declaration, wherein he is pleased to declare that no man's property shall be invaded. After three days attendance without any answer from his Majesty to their humble Petition, the Delegates appointed for that purpose were necessitated to return to the College to prevent the inconveniency of a Lapse to the said Election; and finding that notwithstanding all their endeavours to prevent it, his Majesty was pleased to send his Letters Mandatory under his signet and sign manual, directed to the said Vice-President and Fellows of St. Mary Magdalen College, thereby requiring them to elect the said Mr. Farmer to be President of the said College, which said Letters were communicated to them on the eleventh of April last, they then perceived by the purport of them that his Majesty had been advised by a mistaken suggestion, as they humbly conceived, that the said office of Magdalen College was in his Majesty's disposition, and therefore were grieved to find his Majesty deceived therein, because they could not comply therewith without breach of their Oaths, Statutes, and Laws, by which they are supported: and although in his Majesty's said Letters there were clauses of Dispensation with the Statutes of the College, yet they could not but observe, that if they had been at liberty by the said Statutes to have consented thereunto, they could not have been effectual to them; and that, as they are advised, no Letters of Dispensation with Statutes and constitutions [are issued] by Letters patent under the great Seal.

Therefore having deferred the Election of a President to the last day limited by the Statutes, in hopes to have received his Majesty's Recommendation of some qualified Person for that office, or a recalling of the said Letters, and no such Recommendation or Resumption appearing, they then, viz. on the fifteenth day of April last past, with the solemnity required by their Statutes, proceeded to the Election, and chose Mr. John Hough, B.D. one of their Fellows, and a person every way qualified to be their President, who is since confirmed in his Election by the Bishop of Winchester, as the Statutes of the College direct; he is therefore invested with a Freehold under the Protection of his Majesty's Laws: and that they might not suffer in his Majesty's good opinion by these proceedings, they made an humble representation thereof to his Majesty by the Chancellor of the University: and they do now again desire your Lordships to represent their case to his Majesty that they may not lie under his Majesty's displeasure, upon any mistaken apprehension whatsoever.

And they also humbly offer to your Lordships' consideration that his Majesty's Letters even under the Great Seal (which are of greatest force) when they are granted upon a mistaken suggestion, are frequently controverted and vacuated in his Majesty's Courts at Westminster, without derogation to his Majesty's prerogative, which can do no wrong to the properties of his Majesty's subjects, and they have observed the expression of Quantum ex nobis est frequently used in Letters Patent of greatest importance, wherein many are extant in the Registry of the University of Oxford, made by his Majesty's Royal Predecessors for the benefit thereof, since the tenth year of King Henry the Third, to show the great caution used by the Ministers of the Crown, lest the King should be deceived in such Letters and Grants.

And moreover, they further humbly offer that the Letters of his Majesty's Predecessors to the Colleges of Oxford in ancient times were only recommendatory without any claim of right, and they have ever observed that when his Majesty's Predecessors of later times have sent Mandatory Letters to any of the said Colleges for places which could not be conferred on the persons by the Statutes of such Colleges, upon representation thereof made, the same have not been pursued, or insisted on, or any imputation made to such Colleges, for not complying therewith, though they must humbly offer to your Lordships that the actions of other men, departing from the laws and Statutes of their College, if any such have been, can be no Precedent or Inducement to them in the like errors.

And they in the last place humbly represent to your Lordships that the matter of electing of a President of Magdalen College is merely temporal, and in no sort of Ecclesiastical cognizance: and that in the Statute made in the sixteenth year of the Reign of his Majesty's Royal Father, Kin Charles the First, Entitled 'An act for the repeal of a branch of a Statu made in the first year of the late Queen Elizabeth, concerning Commi sions for Causes Ecclesiastical,' whereby the said branch is repealed, it enacted that no new Court shall be erected, or ordained, or appoint within this realm, which shall, or may have, like power, jurisdiction authority as the High Commission Court then had, or pretended to ha

but that all and every such Commissions and Grants, and all Persons and Authorities granted, or pretended to be granted thereby, should be void and of none effect, as in and by the said Statute more fully appears.

(*Impartial Relation.*)

70.

1687, June 15. Extract from the Diary of Narcissus Luttrell.

Magdalen College, in Oxford, appeared before the Ecclesiastical Commissioners, and gave in an answer why they had not elected Mr. Farmer: and one Dr. Fairfax was very bold there, for which he was severely reprimanded, and told he was fitter for a madhouse.

71.

1687, June 13. Proceedings of the Commissioners. Answer of the College.

After the Reading of the answer Dr. Fairfax said,—'My Lords, I am a Fellow of St. Mary Magdalen College, as well as any of these gentlemen; pray give me leave to give my reasons why I did not subscribe.

'My Lord, there is a Statute of Henry the fifth, where it is provided that in Ecclesiastical Courts there should be a Libel given to the Party appealed, that he may know what he is accused of. My Lords I desire this Libel, and do not know what I am called here for. I was to enquire of the Secretary for this Libel, but he would give me none. The matter doth not lye in this Court but in Westminster Hall.'—

(*Impartial Relation.*)

Before Dr. Fairfax had spoken the Lord Chancellor Jefferies being in hopes he would submit, gave him leave to speak, saying, 'Ay, this looks like a man of sense, and a good subject, let us hear what he will say,' but finding his mistake, the Chancellor endeavoured to baffle his plea by telling him that he was Doctor of Divinity, but not of Law. To which the Doctor replied that he desired to know by what commission and authority they sat? This put Jefferies into such an excessive passion as made him cry out, 'Pray what commission have you to be so impudent in Court? This man ought to be kept in a dark room. Why do you suffer him without a guardian? Why did you not bring him to me to beg him. Pray let the officers seize him.'

Then the Fellows were ordered to withdraw, and after a whole hour's debate, the Vice-President was called in alone, and ordered to attend the Court with the rest of the deputed Fellows on Wednesday the 23d of the same month.

(*Cobbett.*)

72.

1687, June 13. Dr. Aldworth's Notes for an answer to the Commissioners.

My Lord,

We humbly conceive the election of our presidt to rest wholy in the College: our Statutes confirm'd by seueral letters patents plainly shew this right, the founder has placd it there, & the person elected is to be admitted by ye Bp̄ of Winton extrajudicialiter, absque omni processu judiciario, etc, & if ye Bp̄ refuse 5 days he is to all intents & purposes presidt even without ye Visitors confirmac̄on, merely in uirtue of his election. The King neuer claim'd this election de jure, & His Maties writing to ye College to elect is an allowance of our right. Accord: to this right we haue made an election, & the person elected is in full & entire possession, & we conceive has as good a right as any presidt since ye foundac̄on of ye College.

My Ld.

As to Mr. F, I humbly conceive tis not so much a question abt our right to elect, as whither we haue shewed yt respect & duty to ye Kings letter we ought to haue done. My Lord His Maty can not doubt of the loyalty of Madlyn College, & had his Maties recom̄endac̄on of Mr. F. been consistent with our oaths I doubt not yre would haue been a ready complyance. The first Clause of ye Electors oath is to choose a fellow of Magd. Coll. or N. Coll.: Mr. F. was neither. In ye next place, My Ld., our Founder enjoyns us to choose one of a good temper, & good manners. My Ld., this is a tender point, I had rather suffer in my own reputac̄on, then do ye least act to ye prejudice of another man? All yt is required of us is to choose a person whom in our own consciences we thinke most fit, but if yr Ldships shall com̄and us we believe we can make it appear yt Mr. F. as to his morals is no way fit to be presidt of Maudlyn Coll.

If it be requisite, giue in the paper. which we offer to their Ldships not as a charge agst Mr. F —, but to satisfye their Ldships wt motiues we had to belieue him not fit for the presidtship.

If your Ldships will please to consider the indispensable obligac̄on we lye under to obserue our Founders Statutes, & yt Mr. F — was in our judgemts utterly incapable of ys office, we hope we shall neither incurre the Kings displeasure, nor your lordships. There is no Societie has giuen greater testimonies of their duty & loyalty to his Maty & his Royal predecessors in ye most rebellious times, yn we haue done, & hope we shall not forfeit his royal fauor for not being in a capacity to obey him.

As to my own Vindicac̄on

I lay under the same obligac̄on to obserue my founders Statutes with ye rest of ye Society, & was of necessity to be concluded by the majority. By our Statutes 2 must be nominated by all ye fellows or a major part of ym, of those 2 one must be elected by ye 13 sens, the person elected must be admitted & sworn by ye Visitor. It was no way in my

power to stop proceedings, neither had I any inhibition from ye King to stop ym. I read ye Ks letter seueral times, we gaue early notice to his Maty of Mr. Fs incapacity by our petition, we stayd ye utmost time in hopes His Maty would haue been graciously pleased to recomend a fit person, which we should gladly haue complyd with, we haue since represented ye Case by our Chancellor, & omitted nothing yt was in our power to prevent any misapprehension his Maty might haue of our proceedings.

If I am dismisst my Office on ys acct, I humbly thanke his Maty, esteeming it a greater fauor, yn to be obligd to act yrein contr: to my oath & duty.

If these particulars haue not been so punctually obseru'd formerly; yet ye Founders Statutes nevertheless were our rule to proceed by, & we are expressly sworn to observe no Custome (were yre any) to ye Contrary. Irregularities in former elections [are] no precedents for us, much less agst wt is now regularly done, which is all at present we contend for. Our part to defend our own election, not to answer former omissions which were inquirable & punishable by ye local Visitor, complaint being made in due time. No Society can subsist, if euery irregular Case shall be a precedent more forcible yn ye Statutes. Tis true we haue elected sometimes without Scrutiny, or oaths; but it has only been where the person recomended has been euery way qualifyd by Statute, & ye Substance of ye Oath obserued, in which case as ye manner of election we haue taken ye readiest way to comply with his Maties plesure, & in ye same case should haue done so now. And we trust our readyness to comply with his Maties pleasure wn comanding any thing agreeable to our Statutes will be no argument to force our consciences in matters directly contrary yreto. The manner of election by Scrutiny, or uiuâ uoce, not material, where ye person is such a one as ye founder enjoyns us to elect.

As to Haddons Case.

Tis true he was Admitted by vertue of ye Ks Mandate ult. Edw: Sexti, An: 1553, & was a Cambridge man. But we offer first, yt one single instance, 134 years Since, in troublesome times, can be no precedent for us to proceed contr: to ye express letter of our Oath, & Statutes.

2ly, yt Dr Haddon was a person of a uery eminent Character, as appears by the Coll. Register, & one whom they acknowledged worthy of much better preferm^{t}, & only excepted to his incapacity as neuer having been fellow of yr Coll. or N. Coll., otherwise yt he was a person peculiarly qualifyd to perserue ye peace & quiet of ye Coll, which our good founder is very tender off. 3ly. yt New Oaths & Statt. were obtruded on ye Societe ye year before Haddons election wch are since taken of, & we left to Act conformably to our Statutes. Lastly wt other Motiues they might haue then we know not, only we thinke ourselves were obliged to doe as we haue done: neither can we fear yt his Maty from such an example will take occasion to breake in upon either our rights, or consiences, who has always exprest so tender a regard for both. It may be considered farther, There was no other person in possession then, as is now.

As to Dr. Clarkes Case.

1st. T'is not exprest in ye Statute (which is our rule) yt ye person to be elected should be in H: orders at ye time of election, only yt he be a dr in diuinity, etc. or Mr of Arts. 2ly because there arose some doubt abt it, he tooke orders after he was elected, which was judgd sufficient by ye then Bp of Wintoñ Visitor of ye Coll., who by ye Statutes is interpreter of all Ambiguities therein. Lastly very few of us concerned in dr Clark's election.

As to publick fame.

If Mr F be injured, yet we are sworn to elect one whom in our consiences we believe of a cleer reputacon, & such a one we can not thinke Mr F, as we are informed. I desire not to Accuse him, t'is sufficient for me yt I have followed ye dictates of my Consience: & yet we have considerable evidences to prove this fame, & more upon subpœnas may appear.

Wn we gave our hands to his testimonials, I knew then no ill of him, nor had heard any, & yrefore thought my selfe obligd to sign his testimonials, which run usually Quantum nobis innotuit: and I am heartily sorry yt I cant give him ye same testimony now yt I did then. When he aims at a place of so great concern to our peace & wellfare, tis but reason we should enquire wt his temper life & conversacon has been If he Recriminates, wn calld to answer we assure our selves we shall prove his Allegacons false; at present tis enough yt we have elected a presidt of an unblemisht reputacon.

We thankfully own yt some of our selves were recomended to ye Society by letters Mandatory, but we were Scholars of ye house, & qualifyd in ye judgemt of ye Societie.

As to prescription.

Of 20 presidts since ye foundacon it does not appear yt more yn 3 or 4 have been recomended by ye K.s letters, and yey all (except Haddon) on no other acct yn as hauing been fellows of ye Coll, & born all ye offices, & so every way qualifyd to serve & benefitt ye same.

As to ye Ks dispensacon.

We are expressly disabled to admit any such dispensacon by our Oath wn admitted fellows. Nor can we thinke ye Kings dispensacon in fauor of Mr F, any dispensacon to us from Obseruance of our Oath & Statt., to which we are so solemnly sworn. The founder Obliges sub pœnâ anathematis et sub interminãone diuini judicis to observe his Statutes. Neither was it to be presumed the King intended to dispense with Mr Fs imoralities.

Where our Statutes are totally nulld & abrogated by ye law of the land, our Oath as to such particulars ceases. A bare dispensacon supposes ye Oath in force, which whilst it is so, is indispensable. If this

be insisted on, we own ourselves members of y^e^ Ch of Engl by law establisht, & intend by Gods grace to live & dye in her Comunion.

If we are urgd with the dayly breach of our oaths in other particulars; We Answer there is a certain penaltie in most of our Statutes, which if the delinquent submits to, he is by y^e^ founders own interpretacon of his oath excused from (or not intended to incurre) y^e^ guilt of perjury. For y^e^ present we were only sumon'd & deputed to answer to matters relating to the Election.

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Queries to be Considered, Haue not the Ks letters, w^n^ sent to the Coll, euer been submitted to? And was not Haddon, equally unqualifyd with F, elected in obedience y^re^to? Why we did not wait y^e^ K.s pleasure? If F: was so uicious, why was he neuer censured, or expelld?

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We desire our Statute booke may be returned. & if any alteracons threatned, y^t^ y^e^ finis et Conclusio may be Considered.

(*Braybrooke MS.*)

73.

1687, June 22. Further proceedings of the Commissioners.

The Vice-President and Deputies of S^t^. Mary Magdalen College in Oxford attend before the Commissioners, and are asked whether they had any thing else to offer by way of answer. Upon which they gave in a paper containing an account of several misdemeanors committed by M^r^. Anthony Farmer, which being read, the Lords ordered that M^r^. Farmer should have a copy of the said Paper, and appointed to hear him upon it at the next meeting, requiring some of the Fellows of the said College to attend at the same time.

(*Johnston*, p. 34.)

The Fellows' reasons why they did not elect Mr. Farmer.

Whereas the Vice-President and other deputed Fellows of S^t^. Mary Magdalen-College in Oxford have in their answer to your Lordships set forth that by the Statutes of the said College it is orderd, that the Person to be elected President thereof should be a man of good Life and Reputation, and of good manners and temper; and likewise that M^r^. Anthony Farmer has not those qualifications which in and by the said Statutes are required in the character of a President, as they in their consciences did and do verily believe: they humbly crave leave to represent to your Lordships some of those reasons which induced them to such belief, viz.:

That M^r^. Farmer did misbehave himself in Trinity College in Cambridge, that he received admonition from the Master of the College in order to his expulsion, which admonition remains in the Register of the said College under his own hand.

That having left Cambridge he taught School at Chippenham in Wiltshire under a Nonconformist Minister without licence.

That in September 1683 the said Mr. Farmer was entered at St. Mary Magdalen Hall in Oxford, where such frequent complaints were brought against him to the Principal for his troublesome humour and unquiet temper that to preserve the peace of the Society he was desired to leave the said Hall.

That after his leaving Magdalen Hall he was admitted into Magdalen College, where discoursing about religion he declared that there was no Protestant but would cut the King's throat: notwithstanding which, at other times he declared to some of the Fellows of the said College, that whatsoever he pretended, he was really a Member of the Church of England, and that he made an interest with some Roman Catholics only to get preferment by their means, and for that reason was willing to be thought of their religion.

That at the very time when his Majesty's Letter came to the College in his behalf the said Mr. Farmer was at Abington in very ill company, where he continued drinking to excess two or three days and nights together, and amongst other disorders was one of those that then in the night threw the Town-stocks into the river; and that in general the said Mr. Farmer has had the unhappiness to lie under an ill fame as to his life and conversation, as by several letters and certificates ready to be produced, will more largely appear.

(*Impartial Relation.*)

1687, June 22. The President took his Degree of D.D.

74.

1687, June 22. Proceedings of the Commissioners.

(*See* No. 58).

Ld. Ch. Mr. Vicepresidt, we understand you have something farther to offer to ye Court.

Vicep. My Ld, We humbly desire these papers may be considerd by yr Ldsps, they contein no new matter, but only explain something we gave in before for yr Ldsps satisfaction. (At ye same time I gave in ye papers relating to Mr. F's Morals.)

Ld. Ch: & L. pres: Very well. read 'em.

Mr. Bridgeman hauing read the abstract & certificates at large, I added:—My Ld, I am sorry, we are forct to produce these papers: t'is not our desire to meddle with any mans reputacon, but though ourselves highly concernd to satisfye ye king & yr Ldsps yt we could not in consience elect a person of such a temper, & such morals.

Ld. Ch. Withdraw.

After halfe an hour we were calld in.

Ld. Ch. Mr. Vicepr, Their Ldsps have considerd of your Answers, and will not let you goe away under a mistake. They set here in a double capacity (as your citacon might have informed you) both as Comissionrs for eccles. causes, & as Visitors of ye Vniversity. Their Ldsps have thought fit to declare the election of Mr. Hough to be uoid, & yt he be removed.

Mr. Vicepr, Their Ldsps for your contempt & disobedience to ye King have suspended you from yr viceprsp: they have likewise set a marke of yt displesure on Dr. Fairfax whome they have suspended from his fellowship. Withdraw. Dr. Smith movd for ye Statute booke, wch was orderd to be deliverd accordingly.

75.

1687, June 22. Extract from Bishop Cartwright's Diary.

June 22. 'I visited F. P. (Father Petre) at Whitehall, and after heard the Magdalen College business decided before the Commissioners, whose sentence was that the Vice-President should be suspended from his office, and Dr. Fairfax from his Fellowship, and the President's Place declared void: before which was given in the blackest character of Mr. Farmer, for whom they received the King's mandate, that any modest man would blush to hear, and any one on this side to be found guilty of it. Dr. Johnston (Author of the Vindication, &c.) dined with me.'

76.

1687, June 22. The Lords Commissioners made the following Order.

Whereas it appears unto us that Mr. John Hough, Bachellor in Divinity, has been unduly elected President of St. Mary Magdalen College in the University of Oxford, we have thought fit, upon mature consideration thereof, that the said Election be declared void, and that the said Mr. John Hough be amoved from the said Presidentship; and accordingly we do hereby declare, pronounce, and amove the said Mr. John Hough from the place of President of the said College.

Given under our Seal the 22d of June, 1687.

(*Johnston.*)

77.

At the same Court the following Order was also made.

Whereas Charles Aldworth, Doctor of Laws, Vice-President of St. Mary Magdalen College in the University of Oxford, and the Deputies of the Fellows of the same, have been convened before us, for their contempt in not obeying his Majesty's Letters mandatory for electing and admitting Mr. Anthony Farmer President of that College; and the said Dr. Aldworth and Deputies having been heard thereupon, we have thought it fit to declare, pronounce, and decree, that the said Dr. Charles Aldworth shall for the said contempt be suspended from being Vice-President of the said College, and also that Henry Fairfax, Doctor of Divinity, one of the Fellows of the said College, shall for the said contempt be suspended from his Fellowship; and accordingly we do hereby suspend the said Dr. Charles Aldworth from being Vice-President of the said College, and the said Dr. Henry Fairfax from his Fellowship in the said College. Given under our Seal the 22d day of June, 1687.

(*Johnston.*)

78.

1687, June 22. The Commissioners also issued the following Order for the publication of their former decrees.

Whereas we have thought fit to declare, pronounce, and decree, that the Election made by you of Mr. John Hough, Bachelor of Divinity, to be President of St. Mary Magdalen College in the University of Oxford is void, and to amove the said Mr. John Hough from the place of President of the said College: and whereas we have thought fit to suspend Dr. Charles Aldworth from being Vice-President of the same, and Dr. Henry Fairfax from his Fellowship in the said College, we do hereby enjoin and require you to cause our Orders, vacating the said Election, and suspending the said Dr. Aldworth and Dr. Fairfax, copies of which Orders under our Seal are hereunto annexed, to be affixed on the gates of the said College, to the end that due notice may be taken of the same. And you are to certify us under your hands and seals of the due execution of what is hereby required.

Given under our Seal the 22d day of June, 1687.

Superscribed 'To the Fellows of St. Mary Magdalen College in the University of Oxford.'

(*Johnston.*)

79.

Orders of the Commissioners.

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These decrees for uacating Mr. J. Hough's election, & for suspending dr. Ch Aldrd from being Vicepr, & dr. Hen Fairfax from his fellowsp were brought to ye Coll by Atterbury on ye 24th of June, with an Instrumt under ye Comissrs Seal directing to ye fellows in general, & requiring ym to execute ye sd decrees, & to signifie their execution under their Comon Seal, which ye fellows refuseing, Mr. Atterbury himselfe by order of ye Comissrs fixd em on ye Coll Gate on ye 2d of August following.

(*Endorsed:*—)The decrees for Vacating Mr. Hough's election, & suspending. the Vicepr. & Dr. Fairfax.

80.

1687, June 23. Proceedings of the Commissioners.

(*See* No. 58).

Abt 2 a Clock Mr. Bridgman acquainted me & Dr. Smith, yt their Ldsps had allowed time to Mr. F till fryday sennight to clear himselfe if he thought fit, & had orderd some of us to attend ye same day with the original Certificates.

The same day 5 afternoon, Mr. Bridgman deliverd into my hands ye Statute booke, & shewd me ye decrees for vacating ye election, & suspending me & Dr. Fairfax. they were directed to ye fellows of ye College, & sent away yt evning by Mr. Atterbury.

(*Endorsed:*—) Breuiat of proceedings before ye Comissrs at London see my acct to ye Bp of Wintoñ.

81.

1687, June 24. Mr. Thomas Atterbury, the King's Messenger, had been sent with these Orders to the College. He states in a Letter, dated June 24th, that he came thither on that day, and enquired for Dr. Pudsey, who, as he understood, was Senior Fellow in residence, and finding him he told him that he was directed by the Lords Commissioners to apply to him as Senior Fellow; and desired him to call a meeting of the rest of the Fellows that he might deliver to them the orders from the said Lords. Dr. Pudsey replied, that he did not act as Senior Fellow, having been elected a Bursar of the College, but that he would endeavour to get an answer at five oclock, as soon as Prayers were over. But at that time he told him that he had no power to call a Meeting of the Fellows, nor could he do it in any way, for so long as there was a President in the College, the Fellows had no power to act.—As there were two or three Fellows with the Doctor, one of them asked Mr. Atterbury if he might see the Orders, to which Mr. Atterbury answered, that if he and Dr. Pudsey and the rest of the Fellows would receive them, he would deliver the Orders to them, but he would not read them. Then he showed them the Indorsement, that the Orders were directed to them, and offered to deliver them up to them. But they refused to receive them saying that they had no authority to call a College Meeting, nor had any power to do so, and therefore it was not proper for them to receive the said Orders—and then when he desired them to tell him if that was their final answer, they said 'Yes.' So he told Dr. Pudsey that he must give a speedy answer to the Register, Mr. Bridgman; and accordingly sends him this account, adding moreover that the Doctor treated him very civily, and invited him to dine with them while he stayed in Oxford.

(*Johnston.*)

82.

1687, June 27. Copies of Letters and Certificates delivered to the Lords Commissioners for Ecclesiastical affairs.

I. I, Anthony Farmer, Bachelor of Arts, and Scholar of this College, do confess that I have behaved myself very unlike a Member of this College, and even as a Christian, at the Dancing School: For which I humbly ask pardon, and do acknowledge before the Seniority that I have deservedly received of the Master my first admonition in order to expulsion.

Trinity College, Cambridge, June 11, 1678. Anthony Farmer.

This is a true copy of Anthony Farmer's Admonition, attested by us, whose names are here underwritten.

Humphrey Babbington,
John Hawkins,
Benjamin Pulleyn,
John Laughton,
} Vice-Magist. Deput.

II. These are to certify that Mr. Anthony Farmer was Usher to Mr. Benjamin Flower, a Non-conformist Preacher in the Town of Chippenham in the County of Wilts, for the space of half a year or upwards, the said Mr. Flower keeping School withont licence from the Bishop, and the said Mr. Farmer continuing his Usher for the time mentioned without any licence also.

William Lake, Vicar.
William Loude.
William Gale.

III. Mr. Anthony Farmer was entred of St. Mary Magdalen Hall in Oxford, Sept. 1, 1683; where after he had been some time, frequent complaints were brought to me by some of the Masters, that he raised quarrels and differences amongst them:—that he often occasioned disturbances, and was of a troublesome and unpeaceable humour. Whereupon, that love and friendship might be preserved and continued in the Society, as it used to be, I advised the said Mr. Farmer to make trial if he could live more easily and quietly in some other House. Accordingly he did voluntarily leave the Hall, July 13th, 1685, and got himself admitted into Magdalen College.

William Levet, Principal.

IV. I do certify that Mr. William Bambrigg, Gentleman Commoner of Magdalen Hall, Oxford, did say, that Mr. Anthony Farmer, Master of Arts, did entice him from his studies in the University to go to London, where he, the said Mr. Farmer, did attempt to draw the said Mr. Bambrigg into several debaucheries both at Taverns and Bawdy houses. Witness my hand.

John Ryland, Master of Arts of Magdalen Hall.

V. I do certifie that Mr. Bambrigg, Gentleman Commoner of Magdalen Hall did say, that Mr. Anthony Farmer, Master of Arts of the said Hall, did receive money of him and other gentlemen publickly to expose unto them a naked woman; which he did accordingly. Witness my hand.

June 15, 1687. Richard Clerk, Master of Arts of Magdalen Hall.

VI. I am very willing to justify any thing I have formerly said, relating to so serious a matter as this is you enquire after. Mr. Farmer one night in the cloister asked me why I did not get a Commission. I told him truly I had not friends to do it for me. He then asked me what I would do for one. I told him I would fight for my King, and whatsoever he should command me. He then asked me if I would fight for the King's religion. I told him there would be no occasion for that, nor would it ever be required of me. He asked me of what religion I was. I told him a Protestant, and then he said, there was no Protestant but would cut the King's throat, and that he should lose three thousand pounds for being of that religion he intended to be off which he said was a Papist's. This to the best of my remembrance is the full (account) of what he said. If I have omitted any thing it is (from) my care not to write more than I would honestly and justly swear to.

I am, Sir, your most obliged and humble Servant, John Brabourne, June 9, 1687.

VII. In or about January last, 1687, Mr. Anthony Farmer declared before us that the report of his being a Papist was false; but that he was willing to be thought so, because it might do him a kindness. That the reason of his acquaintance with Mr. Brent[1] and Mr. Walker[2] was to get preferment by their interest. That he had not forsaken the Protestant Religion, adding that we should call him rogue if ever he did. That he would not make any public declaration of this, but would declare it amongst friends, when and where he pleased.

Henry Dobson.
James Fayrer.
Thomas Goodwyn.

VIII. I do hereby certifie that Robert Gardner, Porter of St. Mary Magdalen College, did tell me that Mr. Farmer did very often come into the College late at night so much in drink, that he could scarce go or speak.

Witness my hand this 17th of June, 1687. George Fulham.

IX. Upon Monday, April the third, Mr. Farmer came to 'the Lobster' in Abingdon with Mr. Clerk, Mr. Gravener, and Mr. Tennyfar[3], about eight in the morning, and stayed some time in the house, and went from thence to 'the Tavern;'—returned again about eleven at night, and sat up till one in the morning. The next day they went to 'the Bush-Tavern,' and sent for a quarter of Lamb for their supper, and there Mr. Farmer, Mr. Clerk, Mr. Gravener, and two troopers, and others, continued till past eleven at night, and so returned to the foresaid place, and sat up till past three in the morning. This I do assert was the company that the said Mr. Anthony Farmer kept, and these were the unseasonable hours. In witness whereof I am ready to swear whenever a subpœna shall be sent to me. George Mortimer.

X. Mistress Mortimer is ready to assert that when Mr. Anthony Farmer came to 'the Lobster' about eleven at night he came much concerned in drink, and was for Kissing the said Mrs. Mortimer, which he being a stranger she permitted him to do; but in doing so the said Mr. Anthony Farmer put his tongue in her mouth, which was such a rudeness, that she immediately went out of his company and would not come nigh him anymore.

Martha Mortimer.

XI. Being in company with William Hopkins of Abingdon the 12th of June last, 1687, I heard him declare that himself, with one Mr. Farmer of the University of Oxford, and some others, did in a frolic at an unseasonable time of night, take away the Town-Stocks from the place where they constantly stood, and carried them in a cart a considerable way, and threw them into a Pool, commonly called Mad Hall's Pool. Witness my hand the day and year above written.

Charles Peacock.

[1] Humphrey Brent of St. John's, M.A. 1674.
[2] Obadiah Walker of University College, Master.
[3] Moses Gravener of Magdalen Hall, M.A. 1676. Abel Clerke of Magdalen College, M.A. 1686. Samuel Tenefar of Magdalen College, M.A. 1683.

These Papers being delivered into Court, the College was ordered to prove them, which they did sufficiently, for they proved as much more against him, even such things as are not fit to be heard or spoken.

83.

1687, July 1. Mr. Farmer's Answers to the allegations against him.

Mr. Anthony Farmer gave in his answers to the complaints exhibited against him by the Fellows of Magdalen College, which were read, and the Court made an order to hear the matter at their next Meeting, when all parties concerned were required to attend, and that compulsories should be granted to both sides for witnesses.

(*Johnston*, p. 38.)

In answer to and confutation of all the Allegations made against him, Mr. Farmer offered to the Honourable Court the following Defence.

I. That the said Vice-President and the Fellows of the said College, finding all shifts and allegations too weak to justify their disobedience to his Majesty's Royal Mandate for electing and admitting the said Mr. Farmer to be their President, have falsely and maliciously contrived these several allegations against his good life and conversation, on purpose, not only to defame the said Mr. Farmer, but consequently all others who have appeared on his behalf, and who have recommended him as a person fitly qualified for his Majesty's favour. To every of which defamations, and false and malicious allegations, the said Mr. Farmer thus answereth.

As to the first Article, the Respondent answers, and is ready to prove, that the Vice-President and Fellows being publickly demanded at the time of the Election, whether they had anything to object against his good life and manners, or could assign any misdemeanour against him, the said Vice-President answered that there was nothing of that nature assigned, or insisted on, which is a clear proof that the pretended allegations were contrived after the Election of Mr. Hough.

To the second Article the Respondent answers, that about nine years since he crowded into a Dancing Room at Cambridge against the Dancing-Master's consent, on whose complaint the said Mr. Farmer received Admonition, and was enjoined to make such an acknowledgement as hath been produced against him: and such admonitions and acknowledgements are frequent in that College, and that was the first and only one that ever he received or made, and was then not esteemed a fault of so high a nature as to bar him the Testimonial of the College, which he received several years afterwards, under the College-Seal, subscribed by George Chamberlain, Vice-President, Mr. Clement Nevil, and divers others, who recommended him to be ordained Deacon: and the said Testimonial the Respondent doth exhibit with the Registry of this Honourable Court, which he hopes their Lordships will be pleased to take as a satisfactory answer.

To the third Article Mr. Farmer saith that he did not teach School as

an Usher to Mr. Flower, but he being then with his Father at Chippenham, where Mr. Flower taught School, the said Mr. Flower being his Kinsman, and then sick, he was prevailed upon at his Father's request to teach the said School, during the said Mr. Flower's sickness, which he did *gratis* for the space of four or five months, not knowing that the said Mr. Flower was a non-licenced School-master.

To the fourth Article he saith that he very well remembers that there were many differences and contests between him and several Masters of Magdalen Hall, which was occasioned, as he conceives, by the envy and apprehension the Masters had lest he should gain the tuition and care of many pupils, being solicited thereunto by the Principal. So that for his own sake and quiet he was as desirous to quit the Hall, as they were to have him quit: which clearly demonstrates that these contests were not occasioned by any uneasy or disorderly humour of the said Mr. Farmer, the Principal, Dr. Levet, giving him a *Benè Decessit*, at his parting thence; and even in the Certificate exhibited into the Court, under the hand of the said Dr. Levet, it doth not appear that he did accuse him of any misdemeanour, nor did he advise him, as is herein pretended, to leave the said Hall. That Mr. Farmer being with several of the Fellows of Magdalen College, who were sensible of the abuses he suffered at the said Hall, they were very importunate in their invitations to have him enter himself at that College, which he accordingly did; and hopes this Honourable Court will esteem this as a full answer, and confutation of these calumnious accusations.

To the fifth Article he saith, that he doth utterly deny the same to be true, in any part thereof, save that there was a discourse that some officers in my Lord Peterborough's Regiment were displaced for drinking a disloyal health at my Lord Lovelace's house, which the Certifier, Mr. Brabourne and Mr. Farmer discoursing of, Mr. Farmer said, if ever there was occasion such discarded officers he believed would sooner fight against the King than for him; and what is certified by Mr. Dobson, Mr. Fayrer, and Mr. Goodwin, as to his pretending to be a Roman Catholic, in hopes of preferment: this seems very inconsistent with the former Certificate; and that he never did pretend any such thing will appear by Mr. Brent's and Mr. Walker's certificate, unto which the Respondent refers himself, nor did he ever make application to either of them under such pretences, which being considered with the character of Mr. Brabourne, the other Certifier, he hopes this Honourable Court will discharge him from the ignominy of this Article.

To the sixth Article, the Respondent doth deny the same to be true in any part thereof, for that he was not at Abingdon at the time the Kings Mandate was exhibited to the Vice-President, nor for several days before or since, nor when the Stocks were thrown into the pool, all which he doubts not of disproving by certificates and witnesses now in Court.

To the seventh Article, the Respondent refers himself to the Censure of all sober and unprejudiced persons, and what his character was with these accusers before their disobedience he refers to their own testimonials, from whence it may be inferred that whatever other person had been recommended to them by his Majesty he would have found the same measure as the Respondent hath, viz. to be certified out of his reputation

and his life too, if these false certificates might prevail, which he hopes this Honourable Court will take into consideration.

What remains is to show that the Vice-President and Fellows by gathering together these false certificates endeavour to possess this Honourable Court with an ill opinion of him the said Respondent, thereby utterly to incapacitate him of his Majesty's favour, without any regard to common honesty or Christian charity, there appearing no dates to the said certificates.

In answer to the rest of the Certificates viz. Mr. Ryland, Mr. Clarke, George and Martha Mortimer, and Mr. Fulham, which may be reduced to three heads:—

First, that the said Mr. Farmer did invite one Bambridge to London, to spend his money in Taverns and Bawdy-houses.

Secondly, that being at Abingdon he kept unseasonable hours, and behaved himself immodestly.

Thirdly, that he often came home to his College late at night, and much in drink.

In answer to which the Respondent humbly answereth,

First. As to the first. It is an hearsay only certified by Mr. Ryland, and Mr. Clark, two of his professed enemies, and is absolutely false, he never being but once at London with Mr. Bambridge, and how often he was then in his company he refers to the Certificate of Mr. Heath and Mr. Buckwill.

Secondly. As to the second Article grounded on Mortimer's and his wife's certificates it is strongly to be presumed that Mortimer and his wife were by flattery, promises, and indirect means, prevailed upon to sign such certificates: the most reflecting contents of which they disown.

Thirdly. As to the third Article, grounded on Mr. Fulham's certificate, it is an hearsay, and may be presumed to be malitious, by what the Porter hath declared since.

All which forementioned Articles, as Mr. Farmer hath disproved them by authentic certificates and witnesses, he is moreover ready to confirm the whole contents of the answer, by his own oath, and the oaths of several credible persons, upon doing whereof he humbly prays this Honourable Court will forbid any further libels against his good name and reputation, and declares his innocency as to the Allegations already exhibited.

Anthony Farmer.

(*Impartial Relation.*)

84.

1687, July 1. Letter to the President from Thomas Ludford, Fellow[1].

Pall Mall.

Sir, I believe you are as impatient to hear of the success of this day, as we were to see it over. Their Lordships put on a calmness above our expectation, and though we could not depend on their favour, yet they

[1] Thomas Ludford, Demy 1678–1682. Fellow 1682–1687. In Anstey Church, co. Warwick, is a flat stone with the following inscription:—Thomas Ludford, Fellow of Magdalen College, Oxford, departed this life the 1st of September, anno 1687.

gave us no great assurances of their future displeasure. Mr. Farmer was first called in to give his answer, which was drawn up in tacked schedules like his last Will and Testament. Afterwards it was enquired whether there were any to appear on behalf of the College, upon which Dr. Smith and myself in decent formality came in, and the Chancellor began to this effect, 'that it had been already made manifest that we had disobeyed the King in refusing his Letters in behalf of Mr. Anthony Farmer, and to make good the Plea we had urged several certificates against the behaviour of Mr. Farmer, but Reputation was a very tender Plea, and ought to be touched with caution, and it was expected that as Mr. Farmer was to give his answer to his character, so we must give a very good confirmation of what was already alledged, and to satisfy all people his answer should be made as public as his Impeachment.' Upon which Mr. Bridgeman was ordered to read his Reply, in which he first in general told their Lordships 'that the character was false, scandalous, and malicious, and designed not only to deprive him of his Majesty's present favour, but eternally to exclude him from his future: that first, it was true he made some acknowledgement at Cambridge for a small crime, which was only violently crowding into a Dancing-School, an ordinary thing there; and upon complaint he made a submission for quietness-sake, but they gave him their *Benè Decessit* (I think their Testimonials for Deacon's Orders),—that he was no Usher to an unlicenced fanatic Schoolmaster, but upon the sickness of the Master, who I think he said was a kinsman, he did officiate for him for a small time:—that at Magdalen Hall Mr. Ryland and Mr. Randolph envied and maligned him, fearing he should get the Pupils of the Hall from them, and that Mr. Fayrer, being sensible of their scurvy behaviour to him, invited him into the College:—that he was as willing to go as they desired, and yet Mr. Principal gave him likewise his *Benè Decessit*;—that the story of Mr. Bainbridge was only hear-say, and consequently no proof, and besides, a vile scandal; that when his Mandate came, he was not at Abingdon, nor after;—that Mr. Vicep. said he knew nothing of him at the Election, and that all these Libels were amassed together after the Election.' In short it was as bold a Denial as ever was heard of the whole matter. I cannot recount the particulars: every one was so peremptory a denial that I almost lost one, while I admired the impudence of the former.

My Lord, as well as a Barrister, talked upon the whole, and said that his Reply was full; and therefore, because their Lordships would have a fair hearing and righteous decrees, we must make what we had alleged good. It was all we could wish, and Dr. Smith told his Lordship that we were there to attend, and desired, if his Lordship would put it upon that issue, that we might have time allowed, and the authority, and we would subpœna the evidences. His Lordship said that all proofs were *secundum allegata et probata*, and that the fairest way would be face to face on both sides, for Mr. Farmer had certificates and witnesses ready; but my Lord said that was no proof. Dr. Brice desired, because of the distance and expence of bringing up witnesses, that they might be examined upon Commission; but their Lordships will have all before them, and ordered this day (i.e. Friday) month for their appearance. It is hoped that care will be taken to maintain the witnesses, and secure

them from subornation. There was nothing said in relation to Atterbury. I could wish I had begun on larger paper, for I must here break off, having no more room left than to assure you of the services of all, and of your most dutiful.

T. Ludford.

(*Wilmot's Life of Hough*, p. 344.)

85.

1687, July 1. The Commissioners send out citations to various witnesses to give testimony in the case of Mr. Anthony Farmer in the following form.

You and either of you are hereby required to cite and summon James Fayrer, Master of Arts of Magdalen College etc, to appear personally before us in the Council Chamber on Friday, the 29th day of July instant, at four of the clock in the afternoon, then and there by virtue of this Citation, as witnesses, to give their testimonies in the matter depending before us, betwixt the Fellows of St. Mary Magdelen College in Oxford and one Mr. Anthony Farmer, under pain of the law and contempt thereof. And of the due executions hereof you are to certify us the day and year aforesaid, together with these presents. Given under our Seal the First day of July, 1687.

On the same day, July 1st, their Lordships, having been informed that their foresaid Order of June 22d had not been obeyed, ordered the following Citation.

Whereas we thought fit by our Order of the 22d of June last to enjoin and require the Fellows of St. Mary Magdalen College in the University of Oxford to cause our Orders for the vacating the Election made by them of Mr. John Hough to be President of the said College, and for suspending Dr. Charles Aldworth from being Vice-President, and Dr. Henry Fairfax from his Fellowship in the same, to be affixed on the gates of the said College; and whereas we are given to understand that our said Order hath not been obeyed by the said Fellows, you and either of you are hereby required to cite and summon the said Fellows of St. Mary Magdalen College, requiring them to appear before us in the Council Chamber at Whitehall, upon Friday the 29th instant, at Four in the afternoon, to answer the said contempt; and of the due execution hereof, you are to certify us then and there. Given under our Seal the first day of July, 1687.

(Both these documents are superscribed to Thomas Atterbury and Robert Eddows or either of them.)

(*Johnston.*)

86.

1687, July 13. Letter from John Smith to Dr. Aldworth.

July 13. 87.

D. Mr. Vice P.

I heartily thanke you for your kind leter. Tom L. went out of town presently upon his return otherwise, doubtlesse he had not failed you.

Upon my coming home I found Atterbury here, his businesse was to Cite every Fellow particularly to giue an account on y^e^ 29^th^ why they did not execute y^e^ decrees. Some noise & little disputes were raised about this before we could come to a settled resolution, and this hindred our returning y^e^ names of y^e^ persons to be subpœna'd so soon as it ought to be done, but now I thinke we are pretty well agreed on both particulars. Y^e^ persons Cited with 2 w^ch^ I sent in a second leter to D^r^. Newton are 29 in number, Mich. Rawlins of Abington & W. Viner of Foxcomb Hill & Ch: Tea are newly added to confirm Abington businesse, M^r^. Pullen to confirm y^e^ Principles evidence & one Harwood to back Bambrigges, Farmer has been tampering with him & tis feared we shall hardly find him out to get him up, M^r^. Latimer Crosse of Wadham & M^r^. Will. Hall of Lincoln Coll are added to confirm y^e^ businesse of his being usher to a Nonconformist. If you see D^r^. Newton I pray confer notes with him: I think I have not forgot any but one—Ely an under Officer to Captain Peacocke. In y^e^ other particular we are come to this resolution to draw up a reply to Farmers Answer, & to have it confirmed by our evidence Article by Article 2. to give a short Answer why they did not execute y^e^ decrees, & to draw up a fuller one out of ye Finis et Conclusio Statutorum, why they can not. I have got H. H. to transcribe all y^t^ concerns this mater out of Statute & to send it up to D^r^. Brice & D^r^. Newton, whom we must intreat to draw up something to y^e^ same purpose, & desire you likewise to spend your thoughts upon this Subject, for this is y^e^ last push I belieue y^t^ we can giue. After this we design a petition to his Majesty contriuing a Summary of our proceedings. I wish we had a good Actuary to draw this respectiuely & home. Our next care is for money and in case other ways faile we thinke of pawning some plate. I pray let us keep our design to ourselues as much as possibly we can without being Shy of one another. This is all but humble Service & hearty wishes to y^e^ common cause from

S^r^. Obliged humble Servant,
John Smith.

My hearty Service and thanks to M^r^. Auditor for his noble and frequent entertainments: to morrow I go to Wood eaton to see my L^d^. F. and some other strangers there, & intend to be backe sometime next week. I pray hasten to town to mind this businesse. I belieue D^r^. Bailey will be our Leading Delegate next time, I will do my endeavour to get two of them up y^e^ next weeke.

(*Braybrooke MS.*)

87.

1687, July 18. During the interval before the Fellows could appear again before the Lords Commissioners, the King being probably made aware that the customary Election-time for Fellows and Demies would fall soon after the 22^d^ of July issued the following inhibitory Mandate to the Fellows of Saint Mary Magdalen College.

James R. Trusty and Well-beloved, we greet you well. Whereas we are informed that a Sentence or Decree lately made by our Com-

missioners for Ecclesiastical affairs, touching an Election in that College hath not been obeyed, our will and pleasure is that no Election or Admission be made of any person, or persons whatsoever, to any Fellowship, Demyship, or other place or office in our said College, until we shall signify our further pleasure, any Statute, Custom, or Constitution to the contrary nothwithstanding; and so expecting your ready obedience herein we bid your farewell.

Given at our Court at Windsor the 18th day of July, 1687. In the third year of our Reign. By his Majesty's Command. Sunderland P.

(*Superscribed:*—) To our trusty and well beloved the Fellows of St. Mary Magdalen College in our University of Oxford.

(*Johnston.*)

(Notwithstanding this Mandate Henry Holden, who had been elected Probationer in the former year, 1686, was admitted actual Fellow at the usual time on or soon after the 22d o. July.)

Dr. Bouchiers opinion on the King's Inhibition.

I am of opinion that his Majesty's commands ought to be obeyed, and that they do not come within the word Dispensation in the Fellows Oaths, and that this forbearance ought to be no prejudice to the Probationers otherwise now to be admitted. Thomas Bouchier.

(*Impartial Relation.*)

88.

1687, July 29. Proceedings of the Commissioners.

The next Court was held the 29th day of July, at which time I do not find that the Fellows of St. Mary Magdalen College did exhibit their answer why they obeyed not the Order of the Lords Commissioners on the 22d of June, nor that their Lordships required it, but I find in the Register an order to affix the Sentence on the College Gates by the King's Messengers. (*Johnston.*)

Hunt however states that the College did appear by its Delegates, but they were dismissed by the Court without any thing being said to them.

(*Hunt's MS.* p. 33.)

89.

1687, July 29. Order by his Majesty's Commissioners.

Whereas we have thought fit to declare, pronounce, and decree, that the Election made of Mr. John Hough, Bachelor in Divinity, to be President of St. Mary Magdalen College in the University of Oxford is void, and to amove the said Mr. John Hough from the Place of President of the said College: and whereas we have also thought fit to suspend Dr. Charles Aldworth from being Vice-President of the same, and Dr. Henry Fairfax from his Fellowship in the said College, you and either of you are hereby required to cause our orders, vacating the said Election, and suspending the said Dr. Aldworth and Dr. Fairfax (copies of which under our Seal are hereunto annexed) to be affixed on the gates of the said College, to the end that due notice may be taken of the

same; and of the due execution hereof you are to certify unto us at the next Court. Given under our Seal this 29th day of July, 1687.

To Thomas Atterbury and Robert Eddows, or either of them.

(*Johnston.*)

90.

The same day.

On the same day, July 29. Mr. Anthony Farmer was heard upon the complaint exhibited against him by Magdalen College. I find nothing more relating to him entered in the Register, therefore since the information against him and his defence are to be reckoned among the *Attentata*, as the Civilians stile them, and are noways material to the discussing or clearing the authority of his Majesty or the Lords Commissioners I shall wholly omit any account of them, and proceed to what was done in the Court. (*Johnston.*)

91.

1687, July 31. Letter from W. Sherwin to T. Turner.

(This is the 1st of a number of News-Letters, which appear to have been written to Dr. Thomas Turner (Brother of Francis, Bishop of Ely, and President of Corpus Christi College Oxford) in the following year 1688, and most of them indited by William Sherwin[1], Father of William Sherwin, one of the Demies of this time. The originals are in the archives of Corpus Christi College, and have been printed in the Account of the Proceedings &c. in Vol. XII. of Cobbett's State Trials. No. 355, col. 92.)

1687, July 31. Sir, though it is very likely that you will have a better account from London of the Magdalen College Proceedings before the Commissioners on Friday last than what I shall give you, yet I would not omit letting you know what came to the College by a Person they employed on purpose. My Lord Chancellor heard all their evidence against Farmer very calmly, and when some of the managers of his side would have produced something by way of criminating, he told them that he would hear nothing, unless they could by any substantial proof invalidate any thing that had been said: upon which one Brockwell[2], formerly of Magdalen Hall, and as very a rascal as any in the Bunch, swore directly against what a gentleman had before sworn;—but my Lord Chancellor gave him a sharp reproof, and it is thought that he will have something more to say to him. What was made out against Farmer was so scandalous that Obadiah (Walker) and his other friends being in the Court could not say one word, the evidence of the College being most of them people of good report. The conclusion was that my Lord Chancellor told Farmer that that Court looked on him as a very bad man, and the College do believe that they are fully discharged

[1] William Sherwin was one of the University Bedells. On the south wall of the church of St. Peter's in the East is, or was, a monument to *Mr. W. Sherwyn, a Beedel of this University. Dyed April* 12, 1718, *aged* 83. He was a Barber and Yeoman Bedell.

[2] Charles Brockwell, Magdalen Hall, B.A. 1684.

of him. On Friday next they are to answer why they did not all appear according to the Citation. Dr. Bernard has brought another letter to the Colleg̀e, and they have admitted him. Our Bishop lives at Cuddesdon, but the Clergy do not very much resort to his house. Mr. Davies gives you his service. All your friends in the College are well. Dr. Fairfax continues still at London. Sir, I am your obedient Servant

William Sherwin.

To the Rev. Dr. Thomas Turner at Ely House in Holborn.

92.

1687, Aug. 5. The Deputies of the Fellows attend the Court, and give in the following Answer in writing why they did not obey the Order of the 22d of June.

The Fellows of St. Mary Magdalen College in Oxford, whose names are hereunto subscribed, deputed by the rest of the Fellows of the said College, make answer to the Citation of the Right Honourable the Lords Commissioners of Ecclesiastical affairs &c, that they, on behalf of themselves and the rest by whom they are deputed, do humbly conceive that the Order mentioned in the said Citation was not legally served upon them, for that Dr. Alexander Pudsey only was desired by the Messenger to call a Meeting of the Fellows to publish the said Order, which he declared he could not do, for that he was Bursar of the said College, and had no authority to do the same, nor was the said Order particularly directed to him but to the Fellows in general, as the Messenger there declared; and when one of the Fellows desired of the Messenger to have it read, the said Messenger refused it, saying, that his directions were to communicate it to the Fellows at a Meeting, whereas the said Fellows cannot meet together till they are statutably called. Saving which declaration of the said Messenger the Respondents were wholly ignorant of the Contents of the said Order until the forementioned Citation of the first of July was served upon them. And that in the ordinary course of Law all decrees and orders of Court are served and executed by the Ministers and Officers of the said Courts, but not by any person or persons upon or against themselves, as they conceive the present case is.

Alexander Pudsey,
Thomas Bayley,
Thomas Ludford.

Aug. 5. The Deputies of the Fellows having given in the abovementioned answer, after it had been read, were dismissed.

(*Johnston.*)

93.

1687, Aug. 5. At a Court in the Council Chamber, Whitehall.

Present:

The Lord Chancellor.
The Lord President.
The Lord Chamberlain.
The Bishop of Rochester.
Lord Chief Justice Herbert.

The Syndickes of the Fellows of St. Mary Magdalen College, attend and give in their answer, which was read. They are dismissed.

94.

1687, August 8. Letter sent to Dr. Fairfax.

Sir, the first news I heard of the fixing the Decrees of the Commissioners on the Gates of the College was very surprising, for considering that on Friday before they had been convinced of the infamous life of Mr. Farmer, it was admired that on Tuesday after a Sentence of suspension should be published against the Vice-President, and you, for a contempt in not complying with the Kings Letter in his Election, when those, that are not partial in it, acknowledge that the King was deceived and abused in the grant of it. The vacating the President's Place without hearing is of the like nature. I hear he is advised to stay in the College, and exercise the Functions of his Place without taking notice of the Sentence: and that all the Fellows are resolved to adhere to what they have done, and if a Mandamus comes for the Election of a new President to make a humble Representation to the King that the choice of President upon the death of Dr. Clerke was a trust incumbent upon them by the Statutes, which upon the pain of Perjury they were obliged to perform, and that they have executed that trust with the greatest solemnity that can be required for the perfection of any human action; and the President is thereby invested with a Freehold under the Protection of his Majesty's Laws, which they cannot impeach, and which in duty to God and their consciences, and the Rights of the College, they are obliged so far as in them lies to maintain: and I believe this to be true, for since all their sufferings have been derived to them for a conscientious observation of their Statutes, the same obligation is still cogent to oblige their perseverance therein. Dr. Bayley and his Colleagiates behaved themselves with great prudence in their conduct here. The Commissioners were gladder than they to come off fairly with them. They are men of spirit and consciences. It is said that the President is so just to himself and the Fellows as to do nothing without their advice, and I suppose you will follow that method, for if you continue in unity, nothing can hurt you. Your adversaries may think a light thing to suppress one or two single men, but to evacuate a whole College will be too scandalous to be attempted. It seems that the Commissioners have adjourned their Court to the 6th of October next, which will give you a good breathing time whatever happens. And the approach of the Term, which will be within a fortnight after the meeting, may make them cautious of what they act. Excommunication is a long Process, more terrible in name than in power. It seems that on friday Dr. Price was going from the Council-Chamber when Mr. Charnock challenged him, and he complained of it to the Commissioners, but they had adjourned before he came. Yet my Lord Chamberlain was so incensed at it, because it was in the King's House, that he commanded him to be apprehended, but he got away; and a Warrant is made to apprehend him if he can be found, so that for a time you are rid of him. Farewell.

. . . . . .

(*Impartial Relation.*)

95.

1687, August 14. The King's Mandate for a new President.

Anthony Farmer has disappeared from the scene, and is heard of no more; but 'the King,' states Johnston, 'being willing to place such a President over the College, as by the character he bore in the Church, being Bishop of the Diocess, might be an honour to the Society, was graciously pleased to grant the following Mandate:—

James R. Trusty and well beloved, we greet you well. Whereas the place of President of that our College of S^t^. Mary Magdalen is now void, our will and pleasure is, and we do hereby authorize and require you forthwith, upon receipt hereof, to admit the Right Reverend Father in God, Samuel[1], Lord Bishop of Oxford, in the said place as President, to hold and enjoy the same, with the rights, privileges, profits, emoluments, and advantages thereunto belonging, any Statute or Statutes, Custom or Constitution to the contrary in any wise notwithstanding, wherewith we are graciously pleased to, and do accordingly hereby dispense herein. We bid you farewell. Given at our Court at Windsor the 14^th^ day of August, 1687. In the third year of our reign. By his Majesty's Command. Sunderland P.

Superscribed:—To our trusty and well beloved the Senior Fellow of S^t^. Mary Magdalen College in our University of Oxford, or in his absence to the Senior Fellow residing there, and to the rest of the Fellows of the said College.

Note. 'That this Mandate was sent after the hearing of Mr. Farmer's Cause before the Lord's Commissioners, whose accusation is printed in a late Book[2] without his reply, on purpose to vindicate the proceedings of the Electors of D^r^. Hough, but since there was no juridical Sentence upon it, and the stress of the case lies not upon his qualifications I shall pass it by.'

(*Johnston.*)

96.

1687, August 21. Lord Sunderland sends the following Letter from Bath to the Senior Fellow of Magdalen College.

Sir, the King having been pleased by his Letter Mandatory to require the Fellows of S^t^. Mary Magdalen College to admit my Lord Bishop of Oxford President of that College, his Majesty commands me to let you know, that immediately upon receipt hereof he would have you assemble the Fellows, and communicate to them his Majesty's said Letters, and I am further commanded—to tell you that his Majesty expects ready obedience to be paid to his pleasure herein, and I desire you will send me an account of your proceedings as soon as you can, that I may acquaint his Majesty with it. I am, Sir, your affectionate friend and servant. Sunderland P.

To the Senior Fellow of S^t^. Mary Magdalen College.

(*Johnston.*)

(This did not reach the College till the 27^th^ of August.)

[1] Samuel Parker.

[2] Second edition of the *Impartial Relation.*

97.

About the same time the Bishop of Oxford wrote to the Senior Fellow the following:—

Sir, You will receive herewith his Majesty's Mandate to admit me President of the College of St. Mary Magdalen in Oxford, together with a Letter of my Lord Sunderland, pursuant to his Majesty's Command. I am indisposed, as I have been for some time, and not in a condition as yet to travel, and therefore my request to you is, that, upon receipt of the King's pleasure, you would do me the favour to admit me by proxy, that is, either the next Senior Fellow under your self, resident, or either of my Chaplains, Mr. William Wickins[1], or Mr. Thomas Collins, whom I depute in my stead, which is as valid in law, as if I were present myself, and is the most usual customary practice: and by so doing you will oblige, Sir, your very loving friend and Brother, Samuel Oxon.

(*Johnston.*)

98.

1687, August 28. Dr. Pudsey returns the following answer to Lord Sunderland.

May it please your Lordship. Upon Saturday the 27th of August last at night I received his Majesty's Letter Mandatory together with your Lordship's, in behalf of the Right Reverend Father in God, Samuel Lord Bishop of Oxford; which I the next morning communicated to the Fellows, and read them in the Chapel with all deference to his Majesty and your Lordship. The answer that was given to me was that they humbly conceived the place of the President to be full: and because your Lordship requires an account of the proceedings of the Society in this matter, I send their own words unanimously agreed upon, and in compliance to your Lordship with all celerity of despatch. My request is that your Lordship would accept of this Letter with candour, and favourably interpret it as to the point of Obedience, and that I may have the honour of being accounted your Lordship's most faithful and most humble Servant, Alexander Pudsey. Magdalen College, Oxford. Aug. 28. 1687.

Subscribed to the Right Honourable the Earl of Sunderland, Principal Secretary of State.

(*Johnston.*)

99.

On the same day Dr. Pudsey wrote to Bishop Parker as follows:—

My Lord, I have perused your Lordship's Letter and in obedience to his Majesty have read his Letter Mandatory, and my Lord Sunderland's Letter pursuant to the same business in the Chapel before the Society this morning. I asked the Fellows how they would proceed in this matter of concernment, and what answer I was to return to my Lord

[1] Of Emanuel College, Cambridge.

Sunderland's by the Messenger. They replied unanimously that the Place of the Presidentship was full, and that they could not admit any other into the Place. This, my Lord, is the matter of fact, and so I remain your Lordship's most humble Servant, Alexander Pudsey. Magdalen College. August 28th 1687.

(*Johnston.*)

100.

As above.

* * * * * * *

Dr. Pudsey sen fellow returnd (by letter from himselfe only to my Ld. Sund:) ye fellows Answer; viz. that ye place of presidt. was full, etc.

(*Endorsed*)—Lrēs for ye Bp of Oxf.

(*Braybrooke MS.*)

101.

1687, Sept. 4. The King at Oxford.

Gentlemen Oxford, *Sept.* 4th. 1687.

The King Cōmands me to acquaint you, that He would haue you attend Him in ye Deans lodgings in Xt Ch Colledge at three of ye Clock this afternoon.

I am Gentlemen Yr Most Humble Seruant
Sunderland P.

To ye fellows of Magd. Colledge.

(*Braybrooke MS.*)

102.

The same.

On the following day, Sunday, Sept. 4, Lord Sunderland sent an Order to the Fellows of St. Mary Magdalen College to attend the King at Christ Church at three o'clock in the afternoon. (*Impartial Relation.*)

Wood states, 'after dinner twenty-one Fellows of Magdalen College went to him according to summons about three of the clock. Dr. Pudsey being at the head of them, and making his appearance in the Presence Chamber, the King bid him come hither—he came hither, then said he, Are you Dr. Pudsey? Yes, if it please your Majesty. Then the King fell foul upon them:—reprimanded them very severely. Dr. Pudsey offered several times (to speak) but the King prohibited him. He bid them go to their Chapel, and elect the Bishop of Oxford: whereupon they did go, but could not elect him. (Wood's *Diary.*)

The account[1] given in the '*Impartial Relation,*' 2d Ed. p. 22, is:—

The King. What is your name? Are you Dr. Pudsey?

Dr. Pudsey. Yes, may it please your Majesty.

[1] Amongst the MSS. of Countess Cowper at West Park, Bedfordshire, is one containing an account of the Interview between King James II and the Fellows of Magdalen College, 4 Sept. 1687. (*Historical MSS. Commission.* Second Report, p. 8.)

The King. Did you receive my Letter?

Dr. Pudsey. Yes, Sir, we did.

The King. Then you have not dealt with me like gentlemen. You have done very uncivily and undutifully.—here they all kneeled, and Dr. Pudsey offered a Petition, which his Majesty refused to receive, and said, 'Ye have been a stubborn, turbulent College. I have known you to be so these six and twenty years. You have affronted me in this. Is this your Church of England Loyalty? One would wonder to find so many Church of England men in such a business. Go home and show yourselves good members of the Church of England. Get you gone, know I am your King. I will be obeyed; and I command you to be gone. Go and admit the Bishop of Oxford, Head, Principal, what do you call it, of the College? (one, who stood by, said, President) I mean President of the College. Let them that refuse it look to it: they shall feel the weight of their Sovereign's displeasure.

The Fellows going out of the Lodgings were called back.

The King. I hear that you have admitted a Fellow of the College, since you received my inhibition. Is this true? Have you not admitted Mr. Holden Fellow?

Dr. Pudsey. I think he was admitted Fellow, but we conceive—

Mr. Cradock. May it please your Majesty. There was no new Election or Admission since your Majesty's Inhibition, but only the consummation of a former Election. (They always elect to one year's Probation, then the Person elected is received or ejected for ever.)

The King. The Consummation of a Former Election! It was downright disobedience, and it is a fresh aggravation. Get you gone home, I say again, go, get you gone, and immediately repair to your Chapel, and elect the Bishop of Oxford, or else you must expect to feel the weight of my hand. (The Fellows offered again their Petition on their knees.) Get you gone, I will receive nothing from you, till you have obeyed me and admitted the Bishop of Oxford.

103.

The same.

(An Acct. of wt ye K said to ye fellows of Magd Coll Oxon Sept 4th 1687. at Chr. Church, betw 3 & 4 Afternoon.)

K. Wts yr name? Arn't you dr Pudsey?

Dr. P. Yes, may it please yr Majty.

K. Did you receiue my lrē?

Dr. P. Yes may it please etc we did.

K. Then I must tell you & ye rest of yr fellows yt you have behaved yrselues undutifully to me, & not like Gentlemen: you have not payd me cōmon respect: you have always been a stubborn & turbulent Coll., I have known you to be so these six and twenty years myselfe; you have affronted me, know I am yr K, & I will be obeyd. Is this yr Ch. of Engl. Loyalty? One would wonder to see so many Ch. of Engl. men got together in such a thing. Goe back & shew yrselues good members of ye Ch. of England. (Here all kneeling, dr. Pudsey offerd a

petition, which ye K. refused, saying) The hearing [1] nothing from you, get you gone, I cõmand you be gone, goe and admit ye Bp. of O. Head, principal, or wt doe ye call him (one yt stood by said presidt.) as presidt. of ye Coll, let ym yt refuse it looke to it Goe & obey me or you shall feel ye weight of yr Soveraigns displesure.

The fellows being gone out of ye deans lodgeings were recalld.

K. I hear you have admitted a fellow since my lrē, is it not soe? have you not admitted Mr. Holden fellow? was it not since my lre?

Mr. Charn. Yes & please yr Majty it was after yey had receiud ye inhibition.

Dr. P. Yes I thinke it was.

Mr. Crad. May it please yr Maty, it was only a Consumacon of a former election.

K. A Consumacon, dont tell me, tis an aggrauacon. I calld you again only to let you know, yt its a fresh instance of yr disobedience to me. Get you gone home, Ile see wt Ch. of Engl. men you are. I cõmand you, goe, get you gone, and imediately repair to yr chappell, & call yr fellows together, & elect me ye Bp. of O. forthwith, or else ye shall know wt. it is to feel ye weight of a Ks hand. (Here ye fellows offerd yr petition again on yr knees.) Rise and get you gone, Ile receiue nothing from you, I wont hear a word till you have went & obeyd me.

Then all ye fellows withdrew, And in obed. to his Maties Cõmands imediately repair'd to yr Chap ye same day betw 4 & 5, & gave ye following Answers, attested by a publ: notary.

Dr. John Smith saith, That he is as ready to obey his Majs. Cõmands in all things yt lye in his power as any other of His Majs. Subjects wtsoeuer; but he apprehends it to be contr. to his Founders Statt. & ye Oaths which he hath taken to elect ye Right Reu: father in God ye Ld. Bp. of Oxf presidt of Magd. Coll., and yrefore it does not lye in his power.

Dr. Staff., Mr. Hamond, Rogers, Strickl, Bayley, Dauis, Bagshaw, Fayrer, Hunt, Crad, Gilman, Peningston, Hyde, Yerbury, Holt, Thornton, Holden, Weelks, agree with dr. Smiths answer

Mr. Dobsons sayes, He is ready to obey His Maty to ye utmost of his power in ye election of ye Bp. of Oxf. Mr. Rob Charnock sayes, He is ready to obey His Maties orders in electing ye Bp. of Oxf. presidt of Magd Coll. Dr. Pudsey sayes, yt he does agree with ye rest of the Society. These Answers were taken by a publ: Notary, & carried imediately to my Ld presidt by

. . . . . .

(*Braybrooke MS.*)

104.

1687, Sept. 4. Dr. Hough being absent at the time of the Conference given in Nos. 102–3, Dr. John Smith sends the following account to him.

Mr. President, at three this afternoon (Sept. 4) we appeared before the King by virtue of a citation from my Lord Sunderland. His Majesty

[1] This is unintelligible.

was very severe with us, told us angrily that we had not only been undutiful, but unmannerly, with him from the beginning, and said we had not behaved ourselves like gentlemen, or Church-of-England men; that he had known us for a refractory sort of people these twenty six years,—bid us go home, and forthwith choose the Bishop of Oxford. Then Dr. Pudsey offered the Petition you saw, but he would not meddle with it. He offered to speak but He would not hear, but bid us go and choose or else we should find what it was to disobey our King. We were no sooner out of the Lodgings, but we were called in again to ask us whether we had admitted Holden, which being owned, he was more angry. He (Dr. Pudsey) offered our Petition a second time, but He threw it off with much indignation, and bid us go into the Chapel and elect immediately, or else we should feel the weight of His displeasure. We returned and unanimously (all but Charnock) agreed in this, that it did not lie in our power. This is short, but not very sweet. What will become of us we cannot imagine. I am your affectionate humble Servant,

John Smith.

For the Rev. Dr. Hough, President of Magdalen College in Oxford, at Astrup Wells.

(Wilmot's *Life of Hough*, p. 16.)

105.

1687, Sept. 5. Letter from William Blathwayt to Samuel Pepys.

Oxford. For news I can only tell you that my Lord President was taken very ill yesterday morning of a cold, and was let blood last night.

His Majesty being informed that the Fellows of Magdalen College had refused to admit the Bishop of Oxford to be their President in the stead of Mr. Farmer, sent for them yesterday, after dinner, to his ante-chamber in Christ Church College, where his Majesty chid them very much for their disobedience, and with much a greater appearance of anger that ever I perceived in his Majesty; who bid them go away immediately and choose the Bishop of Oxford before this morning, or else they should certainly feel the weight of their Sovereign's displeasure. The terms were to this effect, and yet I hear this morning they have not obeyed his Majesty's Commands, the consequence of which I cannot yet learn.

(Correspondence printed at the end of Pepys's *Diary*.)

106.

1687, Sept. 4. The King's anger.

Baurepas, the French agent, who was at that time with the King, records, 'that his anger prevented him from continuing his speech for some moments.' Mayure, Histoire de la Revolution, Tom. ii. p. 29. (Dr Routh's Notes on Burnet's History of James IId.)

107.

1687, Sept. 4. Proceedings of the College.

Being thus repulsed by the King the Fellows went immediately to their Chapel, and Dr. Pudsey proposing whether they should obey the King and elect the Bishop of Oxford, they answered in their turns that they were as ready to obey his Majesty in all things that lay in their power as any of the rest of his subjects; but the Electing of the Bishop of Oxford being directly contrary to their Statutes, and the positive Oaths they had taken, they could not apprehend it in their power to obey him in this matter.

(*Impartial Relation.*)

108.

The same.

Anthony Wood states that 'William Penn, the Captain of the Quakers, who followed the King in his Progress, went after them to Magdalen College to persuade them to yield to the King's desire, but upon their story to him about breaking of Statutes and Oaths he rested satisfied.'

(*Diary.*)

Amongst Fulman's MSS. in the Library of Corpus Christi College is part of a News-Letter written in the chamber of Charles Goring, one of the Demies, but the writer's name torn off, in which he states, 'After the King's reprimand to the Magdalen (Fellows) and their determination ensuing, William Penn chanced to be in company with one Goring of Magdalen, whom he told that he had a desire to discourse with some of the Fellows concerning that business, and accordingly some were called to him, and when he had heard their reasons, he told them, that truly they ought not to have taken such oaths, but since they had he thought they ought to keep them,—that he had taken his leave of the King, else he would have discoursed with Him about it, but that if they pleased he would write, which they consenting to he wrote the Letter which you will find enclosed.'

Penn's Letter to the King was to this effect, that he had discoursed with some of the Fellows of Magdalen College: that they profess as much loyalty as any man, but that they could not obey his Majesty in what was required of them without breach of some oaths, which they had taken, and that therefore if his Majesty should turn them out of their places for a matter of conscience, it would make a great noise, and look ill in the world.

109.

1687, Sept. 4. The rejected Petition of the Fellows to the King at Christ Church.

To the Kings most excellent Majesty, etc. Humbly sheweth that upon the 27th of August we received your Majestys Letters Mandatory, dated August the 14th, requiring us to admit the Right Reverend Father in God, Samuel, Lord Bishop of Oxford, to be our President, and dis-

pensing with all statutes and constitutions to the contrary. It is an unexpressible affliction to us, to find ourselves reduced to such an extremity that either we must disobey your Majesty's Royal Command, contrary to our own inclinations, and that constant course of Loyalty, which we have shown in all instances hitherto, upon all occasions whatsoever, or else break our Founder's Statutes, and deliberately perjure ourselves.

For our Founder hath obliged us under oath, when we came in Fellows, inviolably to observe his Statutes, and one clause therein enjoins us never to admit, or make use of dispensations, granted by any authority whatsoever, whereby we may be absolved from the same. In this Statute for the Election of a President he commands us upon oath to elect such a person into the place of President within fifteen days after the vacancy, who either is, or has been, Fellow of our own, or New College, which we represented to your Majesty in our humble Petition signed April the 9th, wherein we offered ourselves ready to elect any Person capable of the same, whom your Majesty should be pleased to recommend, and having waited the utmost time limited by our Statutes, and received no answer to that effect, we did then, according to the exigence of our Statutes (having first taken the Holy Eucharist, and our several oaths to that purpose) nominate and elect such a person, as we in our consciences did believe to be every way qualified for that place. By which act of ours we have conveyed all that Right to him, which our Founder hath intrusted us with, and it does not lie in our power to admit any other. Our Founder in another Statute obligeth us under the pain of perjury, a dreadful anathema, and eternal damnation, not to suffer any of his Statutes to be altered, infringed, or dispensed with, and commands us under the same sacred obligations, not to exercise any Orders or Decree whatsoever, contrary or repugnant to the said Statutes and Oaths, and so we are utterly incapacitated to admit the said Reverend Father in God to be our President.

May it please your sacred Majesty to give us leave to lay this our case, and ourselves, with all submission, at your Royal Feet, most earnestly beseeching your sacred Majesty to extend to us, your humble Petitioners, that grace and tenderness, which your Majesty hath vouchsafed to all your other Subjects, and not to believe us guilty of any obstinacy or undutifulness, crimes which our souls abhor, but to receive us into your Majesty's grace and favour, the greatest temporal blessing which our hearts can wish.

And your humble Petitioners shall always, as in duty bound, pray to Almighty God to bless your Majesty with a long and happy reign over us, and afterwards to receive you to an immortal Crown of Glory.

(*Impartial Relation.*)

110.

1687, Sept. 4. At the Meeting of the Fellows in the Chapel between four and five in the Afternoon.

John Smith, D.D., saith that he is as ready to obey his Majesty in all things that lie in his power as any other of his Majesty's Subjects what-

soever, but he apprehends it to be contrary to the Founder's Statutes and his Oath to elect the Right Reverend Father in God, Samuel, Lord Bishop of Oxford, President of S^{t}. Mary Magdalen College in Oxford, and therefore it does not lie in his power.

All these following agree with D^{r}. Smith's answer above written.

Thomas Stafford.	William Craddock.
Mainwaring Hammond.	Charles Penniston.
John Rogers.	Robert Hyde.
Richard Strickland.	Edward Yerbury.
James Bayley.	Robert Holt.
John Davys.	Robert Thornton.
Francis Bagshaw.	Henry Holden.
James Fayrer.	Stephen Wilks.
George Hunt.	

M^{r}. Henry Dobson, M.A., saith that he is ready to obey his Majesty to the utmost of his power in the Election of the Bishop of Oxford.

M^{r}. Robert Charnock, M.A. and Fellow of the said College saith that he is ready to obey his Majesty's Order in the electing the Bishop of Oxford President of Magdalen College.

Alexander Pudsey, D.D. and Fellow of Magdalen College in Oxford saith that he doth agree with the rest of the Society.

In the presence of John Greenway, Pub. Notary.
(*Johnston.*)

111.

1687, Sept. 5. The Vice-Chancellor of Oxford's Discourse with his Majesty.

(After the Banquet in the Bodleian Library) the King spoke to the Vice-Chancellor and told him that there was a great sin reigning among them called pride—'of all things I would have you avoid Pride, and learn the virtue of charity and humility. There are a sort of people among you that are wolves in sheep's clothing: beware of them, and let them not deceive you and corrupt you. I have given liberty of conscience to some of my subjects, therefore do not take it ill, for in what I have done I think I have not done harm to you, let not therefore your eye be evil and mine be good, but love one another and practice divinity: do as you would be done to, for this is the law and the prophets.'

(Anthony Wood's *Diary.*)

112.

1687, Sept. 5. The same.

[It is in our power, writes Dr. Routh in a note to Dr. Burnet's History of the Reign of King James II^{d} (Ed. 1852, p. 180), to produce the following recital of a conversation between the King, and Dr. Ironside, the Vice-Chancellor at the time of the King's visit to Oxford, from a paper in the handwriting, as appears both by external and internal evidence, of the Vice-Chancellor himself.]

King. The Clergy of the Church (of) England have been commonly blamed for their want of humility: I advise them to wipe off the charge, and learn to be more humble. There be wolves among you in sheep's clothing: men that pretend to be of the Church of England, yet act contrary to it, who are not so obedient to me, as your Church pretends. I do verily believe that I have at this time no enemy in the Kingdom, but among those who call themselves Church-of-England men.

Vice-Chancellor. Your Majesty may please to remember that none of them were exclusioners.

King. Your Magdalen College men are Church of England men, yet they have used me very unhandsomely in denying my mandate, and choosing a President in contempt of me.

Vice-Chancellor. We do not say but that we here of this place depend upon the will and pleasure of your Majesty and the Kings of England. Nor can we say but that your Majesty can dissolve our constitutions by your breath; but this withall must be acknowledged, that standing these constitutions, and while our Statutes do continue (which have been confirmed to us by your Majesty's Royal Predecessors), and which are bound upon each of us by an Oath, we cannot go against them, without incurring the heinous sin of perjury. We must observe our Statutes, being obliged thereunto by Oath, and no power under heaven can dispense with these Oaths.

King. Your Church are to blame for being offended at my giving indulgence to tender consciences, since I protect you as well as ease them. You do not do as you would be done by. Your eye is evil, because mine is good.

Vice-Chancellor. The allowing every person in their several fancies about religion must have horrible ill consequences: must bring in blasphemies, atheisms, and such monstrous opinions, as no Christian State ought in conscience to admit. When about a month since I waited on your Majesty as Chaplain I was amazed to see what countenance your Majesty gave that monstrous and scarce Christian sect, called the Family of Love, and with what respect you received an Address from them.

His Majesty saying nothing, Lord Sunderland replied, 'Mr. Vice-Chancellor, the King in receiving addresses does not enquire into nor allow the ill opinions of those which present them; but looks on them only as respects of such a part of his subjects, and upon that account is pleased to receive them so graciously.'

King. In this University I hear that in sermons and in your writings you ridicule my religion, and abuse it, charging it with idolatry. In which case I cannot but esteem myself abused too.

Vice-Chancellor. Any reflexion on your Majesty I neither know of, nor would allow. And I hope no occasion has been given by us for such an information. As to our presses, I hope your Majesty allows the University in a sober way to defend the religion it professes, especially when first attacked, as is our case. A press, which is not under our power, did begin with us, and vend several pieces against the established religion, in which case it did become us, and was our duty to give some answer to them. Every thing, that hath or shall come from that press,

hath or will receive an answer from hence, and perhaps with more sharpness than will be acceptable, but in this case the aggressor must thank himself.

(In another old hand the following words are added:—'The Vice-Chancellor asked the King how he could treat the fanaticks, and put them into places of trust. He answered that he therefore kept up his army.'

'A Denial by the King of knowing that the College had petitioned does not appear in the above statement; but it occurred either in some other conversation during the King's stay at Oxford between Him and the Vice-Chancellor, or it was omitted, as the King's reliance on his army against the Sectarians appears to have originally been; or the Vice-Chancellor purposely avoided mentioning what was in King James's favour, whose measures he had actively and ardently opposed.')

(*Original MS. in Bloxam's Collection.*)

113.

1687, Sept. 6. The Fellows delivered to Lord Sunderland the following Address, which was to be delivered to his Majesty at Bath.

We your Majesty's most humble and most dutiful Subjects, the Fellows of S^t^. Mary Magdalen College in Oxford, being deeply afflicted with the late sense of your Majesty's heavy displeasure, grounded, as we in all reason humbly presume, upon a most unkind misrepresentation of our Actions in relation to an Election of a President into your Majestys said College, do humbly beg leave to prostrate ourselves at your Royal feet, offering all real testimonies of duty and loyalty: and as we have never failed to evince both our principles and practices to be truly loyal, in obedience to the commands of your Royal Brother, and your sacred Self, in matters of the like nature, so whatsoever way your Majesty shall be pleased to try our readiness to obey your Royal Pleasure in any instance, that does not interfere with, and violate, our conscience, which your Majesty is studious to preserve, we shall most gladly and effectually comply there with. A stubborn and a groundless resistance to your Royal Will and Pleasure, in the present, and all other cases, being that, which our souls eternally abhor, as becomes your Majesty's most loyal and most obedient Subjects.

(*Impartial Relation.*)

114.

1687, Sept. 6. Letter from Thomas Creech to D^r^. Charlett.

On Saturday, Sept. 3^d^, about five the King made his entry between a line of Scholars on one side and Soldiers on the other. It was very solemn, without noise or shouting, and of the manner of which the printed Papers give you an account.

The same night news was brought to Magdalen College of the death of M^r^. Ludford[1], M^r^. Goring[2], who told me this, put in for a Mandate,

[1] Thomas Ludford died 1^st^ Sept. and was buried in Anstey Church, co. Warwick.

[2] Charles Goring, one of the Demies, M.A., introduced Penn to the Fellows of

and Mr. Collins did the like. His Majesty told Goring he should have it when the College was settled; but that it was a rebellious Society, and he would chastise them.

On the Sunday afternoon Magdalen College according to summons waited with a petition. The King would not hear any thing, but told them he expected to be obeyed,—that they should show themselves Church of England men, if they were such, by their obedience, and concluded that, if they did not go and elect the Bishop of Oxford presently, they should feel the weight of a King's hand. At this time the Party triumphed much, and Bernard said that this was some satisfaction. The Courtiers wondered that they should pretend it was not in their power to obey the King, and bade them learn more wit. In a little time they brought their answers to the Secretary, Mr. Thompson dissenting, that they were sorry that the King's commands could not be obeyed, and that to make such an election would be downright perjury. The Secretary told them this was a very unsatisfactory answer, and so the matter hangs.

On Monday morning, Sept. 5, Mr. Penn, the Quaker, with whom I dined the day before, and had a long discourse concerning the College, wrote a Letter to the King in their behalf, intimating that such mandates were a force on conscience, and not very agreeable to his other gracious indulgences. The same morning a gentleman of the Bedchamber, with Charnock, brought a letter to the Vice-Chancellor, requiring the Degrees of Doctor of Divinity to be conferred on Mr. Collins and Wickins, the Bishop's Chaplains, and of Bachelor of Laws on Mr. Brooks, his Secretary. He was very earnest to have the Vice-Chancellor declare presently whether it should be done or not, but the Vice-Chancellor replied he could not do it by himself, but he would call a Convocation, as soon as conveniently he could, and then an answer should be returned.

(Aubrey's *Letters*, vol. i. pp. 45–48.)

115.

1687, Sept. 7. Letter from Thomas Sykes to Dr. Thomas Charlett.

Kind Sir, my last told you that the King sent away the Magdalen College Fellows, commanding them to go and immediately choose the Bishop of Oxford for their President, else they would feel the weight of his displeasure, but now it goes earnestly that he said they should feel the heavy hand of a King, and last of all, upon his recalling them, that if they did not obey, they should feel the vengeance of an angry Prince. He refused to hear them speak, or to receive any petitions from them, telling them that he had known them to be a turbulent and factious Society for this twenty years and above. The same night, that is Sunday night, they gave in all their answers severally in writing. There were twenty upon the place, and nineteen of them all to the same purpose, that they could not in conscience comply in this case. Only one gave a dubious answer, who was either Mr. Thompson, or he that

Magdalen on the Monday, and afterwards accompanied the President to the interview with Penn at Windsor. A mandamus was granted for his being made Fellow on the 16th of November, but he did not appear to claim the benefit of it.

publickly made mention of *the undoubted President of Magdalen College.* On Monday morning (Sept. 5) Mr. Penn rode down to Magdalen College, just before he left the place, and after some discourse with some of the Fellows, wrote a short letter, directed to *the King.* In it, in short, he wrote to this purpose,—that their case was hard, and that in their circumstances they could not yield obedience without breach of their oaths: which Letter was delivered to the King. I cannot learn whether he did this upon his own free motion, or by command, or intercession of any other. . . .

We had no Convocation on Monday, neither are any degrees yet granted, but there was a Paper on Monday morning delivered into the Vice-Chancellor's hands, but not signed by the King or any other, wherein Mr. Collins (Schoolmaster of Magdalen College, and Chaplain to the Bishop of Oxford) and Mr. William Wickens (of Emanuel College, Cambridge, and Chaplain to the Bishop of Oxford) were named to be Doctors of Divinity, and Mr. Brookes, a Fellow-Commoner of St. Mary Hall to be B.C.L., and the Messenger, who brought this asked the Vice-Chancellor if he would give them their degrees, saying, that he delivered the Paper by Order from the King: to which he answered that the King had not mentioned a word of any such matter to him. If the King commanded *he would do his part,* but it was not in his power to grant this. He heard no more while the King stayed in Town, but since, I hear, Mr. Collins hath been with him to know whether it will be done or not. And I am not certain whether he will grant a Convocation or not that they may try their fortunes.

(Aubrey's *Letters*, vol. i. pp. 33–36.)

116.

1687, September 9 from Bath. Lord Sunderland sends the following Letter to the Bishop of Oxford.

My Lord, the King commands me to send your Lordship the three enclosed copies, that you may be the better informed in the case of Magdalen College, the consideration of which he has committed to you, the Dean of Christ Church[1] and Mr. Walker[2]. The first is a copy of a Letter to me, after the delivery of the King's mandate, which his Majesty having perused sent for all the Fellows on Sunday last (Sept. 4th), to attend him at Christ Church College, and commanded them to admit your Lordship President of that College without any further delay or pretence. Instead of compliance they signed a Paper, and sent it to me, containing a direct refusal, but upon second thoughts became more sensible of their duty, and subscribed another paper in terms very submissive: copies of both which you will herewith receive. Their meaning in the last paper I am told is this: that if his Majesty shall think fit by his own authority to constitute you their President, they will very readily acknowledge and obey you, desiring only to be excused from electing you, which they allege without breach of their oaths they cannot do.

[1] John Massey, Dean of Christ Church, 1686–1689.
[2] Obadiah Walker, Master of University, 1676–1688. Both members of the Church of Rome.

His Majesty thought it necessary that your Lordship and the two gentlemen above named should be made acquainted with these circumstances for their direction in the advice you shall offer to his Majesty upon this occasion. I am further commanded to tell you that his Majesty intends to be at Windsor on Saturday sennight, and would have you attend him there on the Monday or Tuesday following, if your health will give you leave. I am, my Lord, your Lordship's most humble Servant Sunderland P.

(*Johnston.*)

117.

1687, Sept. 16. Letter from Sykes to Charlett.

Sir, I am to thank you for two letters, one of the 10th, and another of the 14th instant, and you had not escaped an answer to the first of them on Wednesday last, but that I was out of town at Sir William Dormer's. If I had written then you had had an account of our Monday's Convocation. You know from Mr. Lawrence that all Degrees were denied. I suppose one main reason was, because it did not appear, as I have formerly written, that it was the King's desire that they should be granted. As to what concerns Mr. Wickens, Collins, and Brookes, you have had a true account already. Mr. Sparkes and Mr. Boileau were only recommended by Munson, Secretary to my Lord Sunderland, to the Vice-Chancellor, that if degrees were granted it was the Chancellor of England's request that his chaplains might be Doctors. My last acquainted you that the Vice-Chancellor wrote to our Chancellor to know his pleasure as to those things. He wrote back to this purpose, and as near as I can remember in these words: that he was creditably informed that it was the King's pleasure that the persons above mentioned should have their degrees, and therefore he desired that the Vice-Chancellor would immediately call a Convocation, that his Majesty might be obeyed therein. It is thought that the Chancellor had no information, but what he had from the Vice-Chancellor's Letter; but nevertheless the Vice-Chancellor was zealous that the Degrees should be granted: but the Heads of Houses opposed it so vigorously that for ought I can perceive it ought not regularly to have come into the House of Convocation: and as soon as it was proposed, so briskly cried *non placet* as I never heard. The House was in all about 170. The first scrutiny for Mr. Sparkes and Mr. Boileau, contrary to the method of Convocation, ran 53 affirmations, and 118 against them. The rest had more against them, and for your friend T. C. (Thomas Collins) the fewest of all, as I remember, 29. When the King was here, he asked a reverend Judge, i. e. J. Holloway, what he should do with the stubborn and rebellious Fellows of Magdalen College. He answered, his Majesty had two ways to proceed, either by a writ of ejectment, or *scire facias*, and then put in himself, or else to bring a *quo warranto* against their Charter, and so dissolve the College. .....

Magdalen College stands as formerly.

(Aubrey's *Letters*, vol. i. pp. 39–41.)

118.

1687, September 15. The following Queries were sent anonymously to the Fellows from Windsor.

Firstly. Whether, waving your Election of the Bishop of Oxford, you cannot without violence to your conscience signify to his Majesty, or the above-mentioned Reverend Bishop, your willingness to admit the Lord Bishop, President of your College.

Secondly. Whether it be not more interest to the Protestant Religion to have a suspected Popish President than to have all the places of the College refilled by the King's sole authority with Popish Novices and Priests?

Thirdly. Whether you are not under a mistake in thinking you should render yourselves more acceptable to the Protestant Nobility and Gentry, by your being turned out of your Fellowships by injustice and violence, as you conceive; or rather will they not be very cautious how they receive you into their families, for fear of giving offence?

Fourthly. Whether his Majesty, as Supreme Visitor of the University, cannot place or displace there *ad libitum?* or whether you have a right notion of the Proceedings, which have been practiced against you? Whether you suppose that the Lords Commissioners proceeded against you, as Lords Commissioners, or Visitors? which notion I am sure will overthrow somebodies' plea and exception, against their authority.

Fifthly. Whether you acted like men skilled in business, when you refused Mr. Penn's mediation, who, you may be sure, had good authority for what he did? You could not but know that man, and therefore must needs be fore-armed against any wiles that could be offered to you. Whether an unanimous subscription for an expedient, which I think you ought not to refuse in good manners, since the King was pleased to propose it, presented to his Majesty by Mr. Penn, or another favourite, would prevent the destruction of the best Foundation in Europe?

Lastly, whether you be not drawn beyond your knowledge by some hot-headed advisers, who never consider the present state of his Majesty's Court of Justice?

. . . . .

(*Impartial Relation.*)

119.

1687, Sept. 19. Letter from Lord Sunderland to Bishop Parker.

My Lord, I have received your Lordship's Letter by the Bearer, and have laid it before his Majesty, who thereupon commands me to tell you that this being a matter of very great importance he will have the advice of some Lawyers in it that he may proceed upon sure grounds being resolved to do right both to himself and your Lordship.

I am, my Lord,
Your Lordship's most humble Servant
Sunderland P.

(Dom. Car. 11. Entry Book No. 56. p. 385.
State Records Office.)

120.

1687, Sept. 19. Letter from Lord Sunderland to the Vice Chancellor of Oxford.

Sir, I have received your letter of the 16th instant, it being only a private concern the King does not insist upon it, but in regard of the relation which those gentlemen [1] have to the service of my Lord Chancellor, and the Bishop of Oxford, I should be very glad that the Degrees desired might be conferred on them, which I earnestly recommend to you, and will always owe this favour as a great obligation laid on, Sir,

Your most humble Servant
Sunderland P.

(Dom. Car. 11. Entry Book No. 56. p. 385. Record Office.)

121.

1687, Sept. 25. On this day the following answer was returned to the several Queries sent from Windsor on Sept. 15th.

First. We cannot, without violence to our consciences and deliberate perjury, admit any Person to be President of our College, that is not elected thereunto, and qualified according to our Statutes, whereby the Bishop of Oxford is in no sort capable; nor is there any memorial in all our Registers of any admission of a President without Election, except of one Dr. Nicholas Bond, whose case was as follows. Upon the death of Dr. Lawrence Humphrey about the 30th or 32d year of Queen Elizabeth's reign, the Queen recommended Dr. Bond, being (having been) a Fellow of our College to be elected President. Many of the Fellows inclined in their judgements to elect one Smith [2] another of the Fellows, and at their meeting for Election the contention was so great, that they rose without electing, and the obstinacy continued till the Place became lapsed, and there being no provision in our Statutes to direct us what to do in such a case, the Queen, by her Letters patent constituted the said Dr. Bond to be President, and therein declared that her Majesty being informed that the Fellows had neglected to make Election of a President in due time, as their Statutes required, and those Statutes having made no provision for such an omission, She, out of her princely care for the Place, and indulgence for those persons, who had been guilty of that neglect, did by the advice of the Bishop of Winchester, their Visitor, constitute Dr. Bond their President, with protestation nevertheless that she did not thereby pretend to supersede their Statutes, or invade their right of Election, which was thereby invested in them, but took this course as the only means left to supply their Defect of Election.

To the second. We must not make ourselves guilty of deliberate perjury for any consideration whatsoever, both in respect to our consciences, and that we may not by such a Breach upon our Statutes expose our Constitution to a forfeiture, nor do evil that good may come of it.

[1] The gentlemen proposed for Degrees were the Bishop's chaplains, Wiggins, and Collins, and his secretary, Brook, and Sparkes and Belew.

[2] Ralph Smith. *Demies' Register*, vol. i. p. 161.

To the third. We conceive we shall be more acceptable to all good men, for acting honestly according to our consciences, than for voluntarily and unjustly departing from our Right.

To the Fourth. We pretend not to make it a question, whether his Majesty by his authority royal as Supreme Visitor, can grant a commission for visitation of any College that has a local Visitor by their Statutes, and are not Royal Foundations. But we are advised that no Commission can be granted under the great Seal to Visitors to place, or displace, Members of Colleges, whose places are freeholds, *ad libitum*, or *discretum*, but they must proceed according to legal discretion, that is, by the Laws and Statutes of the Land, and the local Statutes of the College. And places concerned for the Headships and Fellowships of College, are temporal possessions, and cannot be impeached by summary proceedings. One Dr. Thomas Coveney, President of our College[1], was deprived in Queen Elizabeth's time by the Bishop of Winchester, the legal Visitor thereof, established by Royal Authority, and he appealed to the Queen, but by the advice of all the Judges, it was held, that the Queen by her authority as Supreme Visitor could not meddle in it, but that he must bring an *Ascire* in Westminster Hall, because deprivation was a cause merely temporal.

The King has a great authority spiritual as well as temporal, but no Commissioners can be authorized by the Crown to proceed in any Commission under the great Seal or otherwise but according to Law, in Spiritual Causes by the Canon Law, in Temporal by the other Laws and Statutes of the Land, and wherein the Proceedings in some Commissions are directed to be *summarie et de plano etc.* those words are to be applied to shorten the forms of Process, and not for matter of Judgement, for *Magna Charta* provides for our Spiritual Liberties as well as our Temporal.

(*Impartial Relation.*)

122.

William Penn's intercession.

It was now rumoured that the King had issued an Order to proceed against the College by a writ of *Quo warranto*, but however this was, the Fellows appear to have listened to an application made to Dr. Thomas Bailey, one of the Senior Fellows, from William Penn, who was said to be in great favour at that time with the King, and had written to the Doctor, as he says, out of a compassionate concern for the interest of himself and his brethren to persuade them either to a compliance with his Majesty's Letters mandatory, or to think of some expedient to prevent the ruin of their College and themselves, and to offer it to his Majesty's royal consideration that the order for the *Quo warranto* against the College might be recalled before it should be too late. (Wilmot's *Life of Hough*, p. 18.)

[1] Thomas Coveney, President, 1558–1561.

123.

Letter, directed to Dr. Bayley, Fellow of Magdalen College, and supposed to have been written by Mr. William Penn.

Sir, upon an enquiry made of your present Fellows of Magdalen College I am informed that you are a person eminent in that learned Body for your temper, prudence, and good conduct in affairs, and therefore very fit to be addressed to by me, who do not send you this to trepann you and your Brethren, but out of a passionate concern for your interest, to persuade you either to a compliance with his Majesty's Letters Mandatory, or to think among yourselves of some expedient to prevent the ruin of your College and yourselves; and to offer it to his Majestys Royal Consideration that the order for the *Quo warranto* against the College may be recalled before it be too late, for you cannot be sensible how highly his Majesty is incensed against you, neither can you give one instance whether ever that sort of proceeding was judged against the Crown. Your cause most think is very hard, but you are not in prudence to rely on the goodness of your cause, but to do what the present instant of affairs will permit, and in patience to expect a season that will be more auspicious to persons of your character. Every mechanic knows the temper of his present Majesty, who never will receive a Baffle in any thing that he heartily espouseth, and that he doth this, yourselves have had too late and manifest an instance to doubt of his zeal in the affair.

Where there are so many Statutes to be observed it is impossible but some must be broken at one time or other; and I am informed by the Learned of the Law that a failure in any one point forfeits your grant, and lays your College open to the Royal Disposal.

I could give many other prudent arguments that might possibly incline you to a speedy endeavour of putting an end to your troubles, almost at any rate, but I shall suggest this one thing to you, that your fatal overthrow would be a fair beginning of so much aimed at Reformation, first of the University, then of the Church, and administer such an opportunity to the enemy, as may not perhaps occur in his Majesty's reign. I am your affectionate Servant etc. . . . . .

[George Hunt, one of the Fellows, who shortly afterwards accompanied the President and other to Windsor to have a conference with William Penn, observes in his MS. account of the Proceedings, 'This Letter Mr. Penn disowned'[1].]

124.

The following Answer, dated Oct. 3d, 1687, seems to have been sent to William Penn.

The enclosed paper is a copy of a Letter, which by the charitable purpose of it seems to be written by you, who have been already so kind as to appear in our behalf, and are reported by all who know you

[1] See Macaulay's Comment on this assertion. *Hist. of James II.*

to employ much of your time in doing good to mankind, and using your credit with his Majesty to undeceive him in any wrong impressions given him of his conscientious subjects, and where his justice and goodness have been thereby abused, to reconcile the persons injured to his Majesty's favour, and secure them by it from oppression and prejudice. In this confidence I presume to make this application to you, desiring your excuse for not subscribing it. For if you did write the Letter, you know to whom it was directed; and if you did not, I hope your charity will induce you to make such use of your light you have by it into the affairs of our College as to mediate for us with his Majesty, to be restored to his good opinion, as the only thing which is desired by us, who are zealous above all earthly things for his felicity and glory.

We are not conscious of ever giving his Majesty any just offence, as it will appear with you, when you shall have perused the enclosed Papers; and we have therefore no reason to fear the issuing out of a *Quo Warranto* against us. And though you are pleased to apprehend, that no instance can be given of a Judgement against the Crown upon the process of that writ, the Learned in the Law tell me that there is nothing more common, whereof many cases are reported by *Kellaway* from page 128 to page 152 of his Book of Reports. And I think that I have heard of a case in Coke's ninth Report of the Abbess of Prata Marcella, which evinces the same; wherein also there is a recital of judgement given against Roger Mortimer for the King, upon a *Quo Warranto* in Court of Eyre, reversed for error in the King's Bench. We hope though we have many Statutes, it will be found that we have not wilfully transgressed any of them, for all our present troubles are derived to us from our adherence to them, and our fear to offend God and blemish our consciences, by departing from them.

The King is intentionally righteous and just in all his proceedings. He will never knowingly invade any man's property, as he was solemnly pleased to declare in his excellent Speech made in Council on the 6th of February 1684, at his accession to the Government, which is again repeated in his gracious declaration for Liberty of Conscience of the 4th of April last past. It is upon his sacred inviolable and royal word and promise we must depend, not doubting but when his Majesty shall be rightly informed of our case in reference to both his Mandatory Letters to our College, his anger towards us will be totally extinguished. Our compliance to the first, which was Mr. Farmer's election, would have involved us in the guilt of manifest perjury, and the wilful violation of our Statutes, and we are confident his Majesty would never have granted the second on the behalf of my Lord Bishop of Oxford, if he had known that we were then possessed of a President duly elected according to our Statutes, and confirmed by the Bishop of Winchester, our Visitor, as the Statutes require, and if he is thereby invested with a Lay Freehold under the Protection of his Majesty's Laws: which we cannot undo, or attem t to invade, without subjecting ourselves to Suit-at-law, and doing a n apparent injury to the President, who does not conceive himself to l e affected by the Sentence of the Lords Commissioners, to which he w s no party, whereby his Place is declared void, without any citation , summons, or hearing of him.

I believe no instance can be given of a *Quo Warranto* brought against a College or Hall in the Universities, from the first Foundation of them to this day, or any other Ecclesiastical Corporation, for the Abuses of some Constitutions or Franchises in them; and the misdemeanours of particular persons will not destroy a College. And if the Corporation of a College should be dissolved the Revenues thereof will return to the Founder's Heirs, and not devolve to the Crown. And if our College must be the first example of that kind, we shall be better justified by the strict observation of our Statutes, at least to God and our own consciences, than we could have been by a voluntary and deliberate breach of them.

It was loyalty and conscience that, in the reign of King Charles the First, made thirty four out of forty Fellows, and most of the Scholars of our Foundation, rather quit their places, and embrace misery and ruin, than to subscribe to the government of the Usurpers of the Crown. And in Monmouth's Rebellion the same inducements prevailed on us to raise a Company at our own charges under the command of one of our Fellows[1] to engage against him. And we hope that these and many other the like instances, which may be given, of the Loyalty and Zeal of our Society to the Royal Family, will be received as evidences thereof, and that our good and gracious Sovereign will not exclude us from that Liberty of Conscience, which he was pleased to extend to all his Subjects.

(*Impartial Relation.*)

125.

1687, Sept. 25. No. 11. of William Sherwin's News-Letters.

Sir, In my last I gave you an account of Magdalen College, and that they had appeared before his Majesty, who gave them, it is thought, the sharpest reprimand that ever he gave to any of his subjects, with a command forthwith to elect the Bishop of Oxford, but they rather chose to fall under his Majesty's displeasure than put themselves in the least danger by breaking their oaths. Their answer was given in to his Majesty, and they have some reason to think that likewise both their petitions. There has been no further trouble given them yet, neither do they know which way it is designed to proceed against them. It is the opinion of most that my Lord of Oxford's pretensions will not long continue, he being under such circumstances that he is not likely to live but a very short time. He has never been well since he came into this country. On the day that his Majesty left Oxford there was a Letter brought to Mr. Vice-Chancellor (but the King's name was not on it) for the making Mr. Weikins [Wiggins] and Mr. Collins[2]. both Chaplains to the Bishop of Oxford, Doctors, and his Secretary Mr. Brook B.L., and Mr. Sparks and Belew, Doctors, but the Convocation denied them all. Mr. Weikens has been at Windsor, it is thought for a mandate, but there is nothing appears but a Letter from my Lord Sunderland. I am afraid when it is proposed they will find the Convocation of the same

[1] Captain Francis Bagshaw.
[2] Thomas Collins. See *Register of Schoolmasters*, p. 216.

humour as before. Mr. Collins has lost all his friends in the University, and it is thought would willingly have a fair opportunity to declare, but they think he will see how it goes with my Lord concerning that College. Sir, I am your most obedient Servant, W. Sherwin.

(*Cobbett*, col. 93.)

126.

1687, Oct. (?). Questions proposed to Counsel on the King's side.

In the Case of St. Mary Magdalen College these objections are requested to be fully Answered by his Maties learned Council.

1st. How Statutes permitted by the Kings of England to be made & which have been confirmed by successive Kings & never repealed are made Voide by the Kings Dispensation onely.

2dly. How a Mandate Implyes an Inhibition to proceed to election when the person proposed is by the Statutes in no capacity to be elected.

3rdly. Where a local Visitor is appointed, how the King can visit a particular College beffore the local Visitor at least hath been comanded to Visit.

4thly. Whether the sentence agst the president be valid when he never was cited nor was heard nor his cause brought beffore the lords comissioners.

5thly. How one can be ejected out of a Freehold without due Court of law.

6thly. Whether the Bp. of Oxford was to be put in the presidents Office & yt being a Freehold by any but the sherive.

7thly. How Dr. Fairfax's suspension was legal seeing it[1] was but fixed on the College gates 5 daies after Mr. Farmer was posted beffore their Lpps to be Incapable by reason of his Imorality.

8thly. That the best reasons in law & presedents be produced for the Kings dispensing power & power of Visitation by Comission.

9thly. That the objections agst the granting Comissions contrary to the Act for dissolving the High Comission Court be answered.

10thly. What cases can be found wherein Appeales made from Visitors hath been determined in Courts of Comon law or chancery in Favour of the Visitors sentence, or hath been revoked by the Judges.

(*Johnston MS.*)

127.

Notes of answers to the above.

About ye Questions propounded Consider as to ye first.—After a previous vacating of their charter by reason of forfeiture their Colledge Statutes wch depend upon their Charter would consequently be gone, and then such dispensation of their Colledge statutes as is mentioned in this Quære would come too late and be idle and of noe effect, for that wch is null & voyd can't be dispensed with, nor can they be comanded o doe any thing wn they are noe body.

As to ye second.—Whither the Clause of dispensation inserted in the mandate thereby to sett aside or suspend ye Colledge statutes for electi g

[1] The reading here is doubtful.

for y^t^ time a person quallified w^th^in those Statutes, and to impower y^e^ Colledge without breach of their found^rs^ rule and their Oath upon it, to Elect a person not capable to be Elected by their Colledge statutes, but otherwise of ability for such place [is valid:—] For this see Sanderson de obligacõne Juramenti in y^e^ very case of Colledge Statutes.

As to y^e^ third.—That y^e^ Locall visitor is appointed and trusted by y^e^ found^r^ and hath thereby a private trust. But y^e^ King as King hath a publicke trust by opperation and construction of Law and by his Sovereigne Authority and Jurisdiction is supreme Visitor and may Exercise y^t^ Royall trust, w^n^ and as often as he pleaseth, without commanding or expecting y^e^ visitation of y^e^ locall visitor, And may as soe (having y^e^ Generall care of and inspection into y^e^ mann^rs^ and duties of his subjects) not only visit inquire into and reforme y^e^ members of y^e^ Colledge, as to their actions, but alsoe y^e^ Locall Visitor himselfe as to his doings and performances in or about his trust.

As to y^e^ fourth.—Whither the Locall Statute for electing a president being supposed to be suspended by the mandate cum clausula dispensationis statutorum Collegij (which mandate y^e^ fellowes received before Election), they had then any power or authority to elect for y^t^ time otherwise y^n^ as they were cõmanded: and consequently y^e^ Election of a president after y^t^ was not null and voyd, and y^n^ he could not be cited as such, nor could as such appeare in person or by proxy.

As to y^e^ fifth.—Whither the Presidentship being vacant and y^e^ Colledge having after such mandate noe power to Elect other y^n^ as commanded (& y^t^ person layd by) a new president might not nor ought not to be placed there by mandate, and y^e^ Colledge had noe other duty incumbent upon them, but to receive him as such. The rest of this Quære is not to y^e^ matter in Question, The freehold in these cases of Presidentshipps and fellowshipps &c being determinable, alterable by visitation &c, as attending upon and consequentiall only to such offices and places.

As to y^e^ sixth.—Whither D^r^. Fairfax's suspension being for disobedience to y^e^ mandate, by y^e^ pronouncing thereof he stood not actually suspended &c and y^e^ affixing a coppy &c to y^e^ colledge Gates but a circumstance not materiall, nor whither Mr. Farmer was then or after laid by or not, or whither he was unfitting by reason of his Immorality or otherwise, and if in such case after y^e^ mandate received they should not have forborne their proceeding to Election and first made humble instance to y^e^ King as to his Royall pleasure therein.

As to the seventh,—The reason for the Kings dispensing power appears above and see D^r^. Sanderson &c.

As to y^e^ eight.—Time will not give leave to search Presidents for y^e^ visitation of Colledges but certeinly they are obvious enough. And see D^r^. Woods History of the University of Oxford and Presidents there as to Merton Colledge & this Colledge both as to this Quære and the last.

As to y^e^ ninth.—That y^e^ Kings of England have such power and may by Commission^rs^ Execute such power is plaine, and y^t^ not only by diverse Acts of Parliam^t^ but at common law, had never any Act been made: for y^e^ Statutes in such cases are but declaratory of y^e^ Kings antient and Inherent rights.

As to the tenth and eleventh.—See in y^e^ bookes following and others The Kings Supremacy in Matt^rs^ Ecclesiasticall. Cawdries c. II, Coke 5 reporte More 755; 1080 Rolls abridg̃ 2^d^ parte 179, 219, 222, 224, 232; Coke Suttons Hospitall 31; 20 H 646, stat 1 of Eliz, 13 Eliz &c; Coke 4^th^ Instit 74, Jones 393, Cro: Car 65: &c.

(*Johnston MS.*)

128.

1687, October 9. Conference with Penn.

A Deputation from the College consisting of D^r^. Hough, President, Mainwaring Hammond, George Hunt, William Cradock, Fellows, and M^r^. Charles Goring, formerly Demy, had a Conference with M^r^. William Penn at Windsor, where the Court at that time was residing.

(Wilmot's *Life of Hough*, p. 22.)

129.

Account of this Conference contained in a Letter from D^r^. Hough to a Relation of his, a copy of which is preserved in the Manuscripts of Bishop Gibson in the British Museum.

Dear Cousin, *October* 9^th^, at night.

I gave you a short account of what passed at Windsor this morning, but having the convenience of sending this by M^r^. Charlett[1], I fancy that you will be well enough satisfied to hear our discourse with M^r^. Penn more at large. He was in all about three hours in our company, and at his first coming in he began with the great concern he had for the welfare of our College, the many efforts he had made to reconcile us to the King, and the great sincerity of his intentions and actions;—that he thought nothing in this world was worth a trick, or any thing sufficient to justify collusion in deceitful artifice, and this he insisted so long upon, that I easily perceived that he expected something of a compliment, by way of assent, should be returned; and therefore, though I had much ado to bring it out, I told him that whatever others might conceive of him, he might be assured that we depended upon his sincerity, otherwise we would never have given ourselves the trouble to come thither to meet him.

He then gave an historical account in short of his acquaintance with the King;—assured us that it was not Popery but Property that first began it;—that however people were pleased to call him Papist, he declared to us that he was a dissenting Protestant:—that he dissented from papists in almost all those points wherein we differ from them, and in many wherein we and they are agreed.

After this we came to the College again. He wished with all his hear that he had sooner concerned himself in it, but he was afraid that he nov came too late:—however he would use his endeavours, and if they wer unsuccessful, we must refer it to want of power, not of good will, to serv

[1] Thomas Charlett, Fellow of University College.

us. I told him I thought the most effectual way would be to give his Majesty a true state of the case, which I had reason to suspect he had never yet received, and therefore I offered him some papers for his instruction, whereof one was a copy of our first Petition before the Election, another was our Letter to the Duke of Ormond and the State of our case; a third was that Petition which our Society had offered to his Majesty here at Oxford, and a fourth was that sent after the King to Bath. He seemed to read them very attentively, and after many objections, to which he owned I gave him satisfactory answers, he promised faithfully to read every word to the King, unless he was peremptorily commanded to forbear. He was very solicitous to clear Lord Sunderland of suspicion, and threw the odium upon the Chancellor, which I think I told you in the morning, and which makes me think there is little good to be hoped for from him.

He said the measures now resolved upon were such as the King thought would take effect; but he said he knew nothing in particular, nor did he give the least light, or let fall any thing where we might so much as ground a conjecture, nor did he so much as hint at the Letter which was sent to him.

I thank God that he did not so much as offer at any proposal by way of accommodation, which was the thing I most dreaded; only once upon the mention of the Bishop of Oxford's indisposition, he said, smiling, 'If the Bishop of Oxford should die, Dr. Hough may be made Bishop. What think you of that gentlemen?' Mr. Cradock answered, 'they should be heartily glad of it, for it would do very well with the Presidentship.' But I told him seriously, 'I had no ambition above the Post in which I was, and that having never been conscious to myself of any disloyalty towards my Prince, I could not but wonder what it was that should make me so much more incapable of serving his Majesty in it, than those whom He had been pleased to recommend.' He said, 'Majesty did not love to be thwarted; and after so long a dispute we could not expect to be restored to the King's favour without making some concessions.' I told him that 'we were ready to make all that were consistent with honesty and conscience;' but many things might have been said upon that subject, which I did not then think proper to mention. 'However,' said I, 'Mr. Penn, in this I will be plain with you. We have our Statutes and Oaths to justify us in all we have done hitherto; but setting this aside, we have a Religion to defend, and I suppose that you yourself would think us Knaves if we should tamely give it up. The Papists have already got Christ-Church and University College: the present struggle is for Magdalen, and they threaten that in a short time they will have the rest.' He replied with vehemence, 'that they shall never have, assure yourselves; if once they proceed so far, they will quickly find themselves destitute of their present assistance. For my part, I have always declared my opinion, that the preferments of the Church should not be put into any other hands but such as they at present are in; but I hope that you would not have the two Universities such invincible Bulwarks for the Church of England, that none but they must be capable of giving their children a learned education.

I suppose two or three Colleges will content the papists: Christ Church

is a noble structure, University College is a pleasant place, and Magdalen College is a comely building. The walks are pleasant and it is conveniently situated just at the entrance of the Town &c.' When I heard him talk at this rate I concluded that he was either off his guard, or had a mind to droll upon us. 'However,' I replied, 'when they had ours they would take the rest, as they and the present possessors could never agree.' In short, I see that it is resolved that the papists must have our College, and I think all that we have to do is, to let the world see that they *take* it from us, and that we do not *give it up*.

I count it great good fortune that so many were present at this discourse, whereof I have not told you a sixth part, but I think the most considerable, for otherwise I doubt this last passage would have been suspected as if to heighten their courage through despair. But there was not a word said in private, M^r^. Hammond, M^r^. Hunt, Mr. Cradock, and M^r^. Young being present all the time.

Give my most humble service to Sir Thomas Powell and M^rs^. Powell. I am, Dear Sir, your very affectionate and faithful Servant. J. H.

(Wilmot's *Life of Hough*, p. 25.)

130.

1687, Oct. 13. Continuation of Bishop Cartwright's Diary.

I was at the King's Levee, and afterwards into his Closet, where he acquainted me that he, in confidence of my zeal to his service, had appointed me one of his High Commissioners for Ecclesiastical affairs; and my Lord Chief Justice Wright and me to visit Magdalen College, for their public and notorious disobedience to his commands; and commanded me to attend my Lord President for further instructions, which I accordingly did, and then went over to Lambeth to dinner, where I met the Earl of Clarendon, and the Bishop of Ely. From thence I went to Doctors' Commons .... From thence I returned to my Lord of Durham, and afterwards to *Father Petre's* at Whitehall, with whom I discoursed the business of Magdalen College, and received papers from him[1].

131.

1687, Oct. 14. Continuation of Bishop Cartwright's Diary.

This being the King's Birthday, I waited on him at his Levee, to wish him many years, for which I daily pray; and received commands from the Lord President to attend his Majesty at the Cabinet at six at night, which, having visited the Master of the Rolls with Sir John Lowther,

[1] 'Of the Roman catholics no one, whether it was owing to the merits of the individual, or the arts of Sunderland, had obtained so high a place in the king's favour and confidence as Father Petre. To him had been given the superintendence of the royal chapel. He was lodged in the same apartments which James had occupied when he was Duke of York, and he was named a Privy Counsellor at the same time with the lords Powis, Arundell, Belasyse, and Dover. The impolicy of this appointment was too glaring to escape the notice of any man of ordinary apprehension.' Lingard.

and dined with the Lady Peterborough, I accordingly did, where my Lord Chief Justice and I, in the presence of his Majesty and my Lord Chancellor and the Lord President, received his Commands to provide for our journey to Oxford on Tuesday next, and my coach not being in Town, upon my Lord Peterborough's motion his Majesty promised me to give orders to my Lord Dartmouth to provide me one against the time, and brought me to kiss the Queen's hand as he led her in to supper; and having received the congratulations of my friends for having got the King's favour, after which all other things would be added to me, I visited my Lord Peterborough in his bed, and returning to my Lodging found Dr. Johnston to whom I gave the answer to the Letter to a Dissenter to carry to Bishop Labourne, who came to London this night.

132.

1687, Oct. 14. Continuation of Dr. Thomas Smith's Diary.

After above four months stay in London during the great contest between the King and the College, hearing for certain that there would be Commissioners sent down to Oxford to visit the College, where every Fellow would be peremptorily cited to appear under severe penalties, I thought it became me both in point of duty and prudence to return, and accordingly I got home to the College, Oct. 14.

133.

1687, Oct. 17. Proceedings of the new Commissioners.

His Majesty being so greatly provoked by the disobedience to the second mandate, and now finding it necessary to assert his own power, resolved upon sending down certain local visitors, according to which I [Johnston] find it thus registered.

Memorandum (Register of the Commissioners), there being a new Commission with the addition of Thomas, Bishop of Chester, Sir Robert Wright, Lord Chief Justice of the Kings Bench and Sir Thomas Jenner, one of the Barons of the Court of Exchequer, with particular power to them, or any two of them to visit St. Mary Magdalen College in the University of Oxford the Commissioners thought fit to meet at the Council Chamber this day, being the 17th of October, 1687.

The Commission was read, and the same officers confirmed as before.

The Lords Commissioners for visiting Magdalen College agreed upon the following Citation in order to their visitation.

By Thomas Lord Bishop of Chester, Sir Robert Wright, Knight, Chief Justice of the Court of King's Bench, and Sir Thomas Jenner, Knight, one of the Barons of his Majesty's Court of Exchequer, His Majesty's Commissioners (amongst others) for Ecclesiastical causes, and for the Visitation of the Universities and all Cathedral and Collegiate Churches, Colleges, Grammar-Schools, Hospitals, and other like Incorporations or Foundations, and Societies, and particularly authorised and empowered to visit St. Mary Magdalen College in the University of Oxford, &c.

You and either of you are hereby required forthwith to cite and summon Mr. John Hough the pretended President, and also the Fellows, and all other the Scholars and Members of the said College of St. Mary Magdalen in the said University of Oxford, to appear before us in the Chapel of the said College on Friday next being the twenty first day of this instant October, at nine of the Clock in the Morning, to undergo our Visitation, and further to answer to such matters as shall then and there be objected against them: Intimating thereby, and we do hereby intimate, unto them and every one of them, that we intend at the same time and place to proceed in our said Visitation, the absence or contempt of Him, the said pretended President, or the said Fellows, Scholars, or other Members of the said College, or any of them to the contrary notwithstanding, and of the due execution hereof you are to certify us at the time and place aforesaid. Given under the Seal, which we in this behalf use, the 17th day of October, 1687.

[*Subscribed:*—] To Thomas Atterbury and Robert Eddows, or either of them.] (*Johnston.*)

134.

1687, October 17. Continuation of Bishop Cartwright's Diary.

My Lord of Peterborough acquainted me at the Kings Levee, that the King had given me £100 to fit myself for my journey to Oxford. I took my place in the High Commission[1], which was delivered to me by my Lord Chancellor, and the Seal of the Court, in order to my Oxford Journey. I dined with my Lord Peterborough, and his lady,—visited Sir Charles Scarborough, where I met Mr. Aires, the High Sheriff of Lincoln, and Dr. Johnston, and supped at Mr. Toures', when I met Dr. Hedges[2] and Mr. Atterbury, I visited in the morning Sir John Lowther, Lord Powis, and the Lord Privy Seal.—(pp. 85, 86.)

135.

1687, October 17. Commencement of Baron Jenner's Diary.

Went to London and at my Lord Chancellor's; from thence to the King, from whom I got my charge about the Ecclesiastical Commission and Visitation: thence went up into the Council Chamber, where sat in the Council present the Lord Chancellor, the Lord President, Lord Mulgrave, the Bishop of Durham, the Bishop of Chester, the Lord Chief Justice, and Self. Then went to dinner to Sir William Oliver's where Colonel Philips, Father Warner etc. Thence to my House, slept, went to Whitehall (inter)viewed the King, then to Lord Chief Justice's House: so home to bed.

[1] 'Bishop Cartwright was the Head of the Commission as Sir Charles Hedges was the King's advocate to manage the matter.' Burnet.

Note to Burnet: 'He was afterwards Secretary of State to King William and Que Ann. He was turned out a little before King William died, and Lord Nottingha refused to be Secretary to the Queen, unless he were restored, upon a pretence that suffered for a vote he had given in the House of Commons, but the truth was hinder Vernon from being so, whom his Lordship did not like for a colleague.' Da mouth. Routh, ed. 1852, p. 175.

[2] Charles Hedges, B.A. Magdalen Hall, 29 Nov. 1670. M.A. Magdalen Colle 3 May, 1673. B. and D.C.L. 26 June, 1675. Chancellor of Rochester, vide infra, Oct. 2

136.

1687, Oct. 17. Dr. Hedges.

Dr, 17 *Oct.* [16]87.

The King having appoynted you his Council to attend his service at Oxon, I would be very glad to speake with you this Evening from my Ld Cheife Justice with whom I have consulted, & if yr occasions will give you leave to come to Mr. Toures a Vintners in ye Piatza within an houre or 2, or you appoynt me any other place you will oblige

Yr faithfull servant

Tho: Cestriensis.

(*Endorsed*)—For my honoured freind Dr Hedges at Drs Commons.

(*Buckley MS.*)

137.

1687, Oct. 18. Continuation of Bishop Cartwright's Diary.

This being St. Luke's Day, on which I did my homage, I went to my Lord Chief Justice's Chamber to meet with him and Baron Jenner to adjust our business in order to our journey to Oxford. I dined with the Chaplains, visited *Father Petre*, and met the King with him at Mr. Chiffin's at four, and took his last instructions:—went home, where I met Baron Jenner, Dr. Johnston, Dr. Evans, Mr. Elstob, and Mr. Poulton[1], and Sir John Lowther.

138.

1687, Oct. 18. Continuation of Baron Jenner's Diary.

At my Lord Chief Justice's all the morning. Dined at my Brother Holloways; Sir Andrew Forster, Bridges, Bradshaw, &c. At my Chamber. Went to my Lord Chancellor's in Sir Andrew's coach, and to the Bishop of Chester's Lodgings: then again to my Lord Chancellor's, where speak with him: thence home, meeting my son in Paternoster Row.

139.

1687, Oct. 19. Continuation of Bishop Cartwright's Diary.

I breakfasted at Mr. Rowland's with the Bishop of St. David's, where Sir Richard Allibone was; and my Lord Chief Justice and Baron Jenner met me; from whence we took coach and called at Uxbridge, where we met Judge Powel and some other lawyers. We went to Wickham at night, where Captain Lawson, C. Lloyd, and other officers there quartered, supped with us.

140.

1687, Oct. 19. The Citation.

Mr. Atterbury the King's Messenger fixed a Citation on the College and Chapel doors. (*Impartial Relation.*)

On Wednesday Oct. 19th the Citation was fixed on the College and Chapel door. (*Johnston.*)

[1] Poulton was the Jesuit, who presided over the School at the Savoy, whence some of his pupils were sent to supply the places of the Demies who were expelled. Vide infra.

1687, Oct. 19. Continuation of Dr. Thomas Smith's Diary.

Wednesday, 19th of October, an Instrument was affixed both upon the outward gate of the College, and that of the Chapel, peremptorily citing Dr. Hough and all the Fellows to appear before the three Commissioners, the Bishop of Chester, the Lord Chief Justice Wright, and Baron Jenner on Friday morning at 9 o'clock in the Chapel of the said College.

(p. 61.)

141.

1687, Oct. 19. Continuation of Baron Jenner's Diary.

Set out from my own Chambers in my chariot at six for Oxford, called at Charing Cross, where we all met, and so drove to Uxbridge, where met by Brother Powell and Cottington: thence to Wickham to sup, and so to bed. Some of the officers sat with us.

142.

1687, Oct. 20. Continuation of Baron Jenner's Diary.

Set out about eight,—like to spoil our horses going down Stokenchurch hill. Three troops met us near Oxford. We went into Town, and dined about four: after much consulting on our business went to bed.

143.

1687, Oct. 20. Continuation of Bishop Cartwright's Diary.

We came into Oxford, my Lord Peterborough's Regiment receiving us at the Town's end, where the Lieutenant Colonel, and the rest of the officers dined with us. After dinner Dr. Halton[1], Dr. Hide[2] and Mr. Archdeacon Eaton, Dr. Adams[3], Mr. Brown and Mr. Barnard, and Mr. Wickens came to visit us.

On Thursday, Oct. 20, the Commissioners entered, attended by the hree troops of Horse that quartered in the Town. (*Johnston*, p. 54.)

Continuation of Dr. Thomas Smith's Diary.

On Thursday afternoon, Oct. 20th, the Commissioners came to Town, being attended by three troops of Horse of the Regiment of the Earl of Peterborough, then quartered at Oxford. (*Coll.* 61.)

144.

1687, Oct. 20. Anonymous Letter sent to Dr. Hedges.

Sir, the Knowledge that I have of your learning and ingenuity, mad me very glad to hear of your employment at Oxford, touching this Com

[1] Timothy Halton, D.D., Provost of Queen's.
[2] Thomas Hyde, of Queen's College, D.D. 3. April, 1682 (?).
[3] Fitzherbert Adams, of Lincoln College, D.D. 3 July, 1685 (?).

mission, for as you are an University Man, and a member of the Church of England, and, which is most, a conscientious honest man, you will not act contrary to knowledge and right, to destroy those foundations of learning, by which that Church is chiefly supported. It is generally a received opinion that the King cannot visit any College but of Royal Foundation, where there are Statutes that appoint Local Visitors; and besides I have heard by a friend in this place that you alledged to him that there was a Commission of Visitation issued in the time of Queen Elizabeth to the Earl of Leicester and others to visit that College, although the Bishop of Winchester was the Local Visitor of that place, but if you will cast your eye upon the extent of that Commission, which is herewith sent, you will see that nothing was there appointed to weaken the Bishop of Winchester in his right of Visitation. And in the Fourth year of the Queen, when Coveney the President of Magdalen College was displaced by the Bishop of Winchester their Visitor, he applied to the Queen for a Commission of Appeal, and a Commission was awarded under the great seal to Brown and Weston, two of the Judges, and others. But upon Conference with the rest of the Judges it was held that the Queen could not impeach the Bishop's Judgement, and that Coveney had an Assize in Westminster Hall. There is not time to enlarge further on this subject.

I am, Sir, your very affectionate Servant, ...

(*Impartial Relation*, 2d Ed. pp. 32, 33.)

On Thursday the 20th at two in the afternoon they came into Town attended by the three troops of the place with their swords drawn.

(Hunt's *MS.* p. 57.)

145.

1687, Oct. 20. Anonymous Letter sent to Dr. Thomas Smith.

Dear Sir, Being yesterday at Lambeth, I heard that you were gone to Oxford to their College, whereof all the company there were glad, because there may be need at this time of your prudence and experience to assist and advise the Society in this present juncture. At my departure from thence I came away in company with one that said there was much debate amongst the King's Council, learned in the Law, about the issuing out this Commission of Visitation now at Oxford. Some said that by the Law the King could not grant a Commission of Visitation to any College where there were local Visitors appointed by the Statutes of the College, because they are private Foundations, conditionally constituted and founded, and the Fellows are sworn to observe the Statutes at their elections to their places, as the condition whereon they have them, and cannot depart from them without incurring the guilt of direct perjury; Mention was then made of Dr. Thomas Coveney, President of Magdalen College, who had been ejected by the Bishop of Winchester as Local Visitor of the College, and exempt from all ordinary jurisdiction; and thereupon he appealed to the Queen to have Visitors appointed to examine the Case; a Commission was therefore awarded under the great Seal of England to Brown and Weston, two of the Judges, and others, but upon advice of the rest of the Judges and Civilians, it was resolved

that the Queen by her Authority Royal could not have cognizance of it, and that Coveney had no remedy but to bring an Assize in Westminster Hall[1]. But others, whereof Dr. Hedges is one, did alledge that there was a Precedent of a Commission of Visitors of Corpus Christi College in the tenth year of Queen Elizabeth, although that College had the Bishop of Winchester for their Visitor Local, and thereupon this Commission was made, but the same Person informed me that he had seen that Commission of Visitation, a copy of which he said was with the President, and that it appears in the very words of it that the said Commission had never been issued out, had not there been a Defect in their Statutes, whereby the Bishop of Winchester could not then visit, because his visitations are by them limited to quinquennial, unless he should request to visit oftener, and it was not then two years since he had visited, and no such request made, and even in that Commission the Bishop of Winchester was made one of their Visitors, and they were authorized by it not to proceed otherwise than the Ecclesiastical and Municipal Laws of the Land, and the Statutes, Ordinances, Customs and Privileges of the College did direct. So that you may perceive by this Discourse upon what mistaken Foundations this Commission is built. It is reported that the Commissioners will displace Dr. Hough, and substitute the Lord Bishop of Oxford in his Place, but I cannot see how that can consist with the Statutes of the College, for if his Dismission be not warranted by Law, he may recover the Place, and all the mean Profits thereof of any Person that shall be put in. When I was at Bath the Report was there strong of the Bishop's having his Majesty's Letter for the Presidentship, and several of the Chaplains then there formed a Letter to his Lordship, whereof the enclosed is a copy, which I desire you to peruse. The truth is nothing but a verdict of twelve men, according to Law, can displace the President except he will make a voluntary Resignation. For God's sake as you are all men of loyalty and conscience be unanimous in your resolutions. The Liberty of the Church and University are involved in your conduct. You have the Laws of the Land and common Right (in addition) to the Law of God to support you. Farewell.

I am your affectionate humble Servant . . . . .

(*Impartial Relation*, 2d Ed. p. 30.)

146.

1687, Oct. 21. Proceedings of the Commissioners.

'The Lords Commissioners, appointed by his Majesty under the Great Seal for visiting St. Mary Magdalen College in Oxford, met on Friday morning, the 21st of October, 1687, in the Chapel of the same College, and adjourned to the Hall, where their Commission being read, their Lordships took upon them the execution thereof, and ordered the Fellows' names to be called over, and Dr. John Hough with several of the Fellows and Scholars appearing, my Lord Bishop of Chester spoke to them upon the occasion of the Visitation. The speech being ended, the Lords adjourned till the afternoon to the Common Room of the College.'

(*Johnston.*)

[1] Coke 4th Inst. fol. 346. Dyer's Rep. fol. 239.

'On Friday morning at nine of the clock they (the Commissioners) went into the Chapel: the President and Fellows thinking they had designed to sit in the Quire made no preparation of seats in the outward Chapel, upon which their Lordships adjourned to the Hall, where their Commission was then read, which in general was the same as the former, these three being added to the other Lord Commissioners, and particularly empowered to visit Magdalen College only. This being done, the names of the President and Fellows were called over, Dr. Hough being first called, and all in Town appeared, except Dr. Fairfax, and excuses made for the absent. Then a speech was made by the Bishop of Chester, after which the Bishop told the President and Fellows that he took their appearance in good part, and wished that the rest of their proceedings might be answerable to this beginning. Then the Commissioners were conducted into the Chapel to Prayers by the President, Dr. Hough, who placed the Bishop in his own seat, and the two Judges next to him on the same side, and sat himself in the Vice President's chair.'

(*Impartial Relation.*)

147.

1687, Oct. 21. Continuation of Bishop Cartwright's Diary.

We went to Magdalen College Chapel, where the crowd being great, and no preparations made for our sitting, we adjourned into the Hall, where the crowd being great, we sent Mr. Atterbury for the Proctors, who came accordingly to keep the peace. Mr. Tucker read the King's Commission, Mr. Atterbury returned the Citation on oath. Having called over the Fellows I made a speech for the occasion of the visitation, and adjourned till 2 in the afternoon. We went to prayers in the Chapel. There dined with us Mr. Barnard the Proctor, Mr. Wickens, Mr. Brown, and the officers, and Archdeacon Eaton, who was robbed the night before.

148.

1687, Oct. 21. Continuation of Dr. Thomas Smith's Diary.

Friday, the 21st of October, 'the Commissioners came down to the College, and were received at the gates, which were a little before thrown wide open, by all of us, and they went directly to the Chapel, but there being no conveniences there, and preparations not being made according to their mind, they adjourned to the College Hall. Then Mr. Tucker the Registrar read the Commission, which being done, the names of the President and Fellows were called over, Dr. Fairfax only absent of the Fellows which were in Town. The names of those absent from the University were noted, excuses made by several in their behalf for such their absence, the Commissioners asking where they were, and what distance from Oxford. This took up some time. Afterwards the Bishop of Chester, who was first in the Commission, made a speech, which being over he adjourned the Court till two in the afternoon, and so went to prayers.'

149.

1687, Oct. 21. The Bishop of Chester addressed the President and Fellows in the following words:—

Gentlemen. If he, who provokes the King to anger, sins against his own soul, what a complicated mischief is yours, who have done and repeated it in such an ungrateful and indecent manner as you have done, and upon such a trifling occasion. You were the first, and I hope will be the last, who did ever thus undeservedly provoke him. There is a great respect and reverence due to the Persons of Kings, and besides the contempt of his authority in this Commission, you were so unreasonably valiant as to have none of those fears and jealousies about you, which ought to possess all subjects in their Prince's presence, with a due veneration of his Sovereignty over them. It is neither good nor safe for any sort of men to be wiser than their Governors, nor to dispute the lawful commands of their Superiors in such a licentious manner that if they sometimes obey for wrath, they oftener disobey (as they pretend) for conscience sake. The King is God's minister, he receives his authority from Him, and governs for Him here below, and God resents all indignities and injuries done to him, as done to Himself. Now God hath set a just and gracious King over us, who has obliged us in such a Princely manner, as to puzzle our understandings as well as our gratitude, for he hath bound himself by his sacred promise to support our altars, at which he does not worship, and in the first place to maintain our Bishops and Archbishops, and all the members of the Church of England, in their rights, privileges, and endowments.

No doubt but he will do his own religion all the right and service he can, without unjust and cruel methods, which he utterly abhors, and without wronging ours, which is by Law established, and by his own sacred and free promises, which have been more than once renewed, and repeated to us, without our seeking or soliciting for them, which we, under some Princes, might have been put to crave upon our bended knees. This is a most royal and voluntary present the King hath made to his subjects, and calls for a suitable veneration from them, notwithstanding the pretended Oxford Reasons which were published (by whose means and endeavours you best know) to obstruct it, as if the King had not thorns enough growing in his Kingdom, without his Universities planting more. Now a Prince so exceedingly tender of his honour as he is, so highly just to all, and so kind beyond example to his loyal subjects and servants of what persuasion soever, is one under whom you might have had all the ease, satisfaction, and security imaginable, if you had not been notoriously wanting to yourselves, and under a vain pretence of acting for the preservation of our Religion, you had not wilfully, against all reason and religion, exposed it, as much as in you lay, to the greatest scandal and apparent dangers imaginable. Your disingenuous, disobliging, and petulant humour, your obstinate and unreasonable stiffness, hath wrought this present Visitation upon you, and might justly have provoked his Majesty to have done those things in his displeasure, which might have been more prejudicial to this and other Societies, than you can easily imagine.

But though you have been very irregular in your provocations, yet the King is resolved to be exactly regular in his proceedings, and accordingly as he is Supreme Ordinary of this Kingdom, which is his inherent right, of which he never can be divested, and the unquestionable Visitor of all Colleges, he hath delegated his Commissioners with full power to proceed according to the just measures of the Ecclesiastical Laws, and his Royal Prerogative, against such offenders as shall be found amongst you, and not otherwise.

It is a great grief to all sober men to see any, who would be thought true sons of the Church of England, act like men frightened out of their wits and religion, as you have certainly done.

Never any true son of the Church of England was, or will be, disobedient to his Prince. The loyalty which she hath taught us is absolute and unconditional. Though our Prince should not please, nor humour us, we are neither to open our mouths, nor lift up our hands against him.

Yours, like all other Corporations, is the Creature of the Crown; and how then durst you make your Statutes spurn against their Maker? Is this your way to recommend and adorn our religion? and not rather to make it odious, by practising that in such a froward manner, which our Church professes to abhor? Do we not pray for the King, as the Head of it under Christ? Do we not acknowledge him for the Fountain of Honour? and does not Solomon command his son to fear God and the King, the one with a religious, the other with a Civil fear? Is he not the Lord's anointed, and not to be touched but with reverence, either in his Crown or Person? And why should we not render then to all their dues? Fear to whom Fear, and Honour to whom Honour? Is not this an eternal tie both of justice and gratitude? For where the word of a King is, there is Power. And who may say unto him, 'What dost thou?' Are we not, next to God and his good angels, most beholden to him for our safety, whose honour and lawful authority we are now come to vindicate? Is he not the Father of our Country, and ought he not to be more dear to us than our natural Parents? especially considering how indulgent he has been to us, and what care he daily takes to keep us from biting and devouring one another, we know not why. Is not he the Centre of the Kingdom, and do not the concurrence of all lines meet in him, and his fortunes? and how can we then understand the limits of self-love, if a tender sense of his honour and happiness be not deeply rooted and imprinted in our souls? It was neither dutifully nor wisely done of you to drive the King to a necessity of bringing this visitation upon you. And as it must needs grieve every loyal and religious man in the Kingdom to the heart to find men of your liberal education and parts so intractable, and refractory to so gracious a Prince, so it will be very mischievous to you at the Great Day of God's Visitation. Who will then be the greatest losers by your contumacy? For God will revenge this among your other crimes, that you have behaved yourselves so ungratefully towards his Vice-gerent as to oppress his Royal heart with grief for your stubbornness, to whom by your cheerful obedience you ought to have administered much cause of rejoicing. They who sow the seeds of disobedience have never any great reason to boast of their harvest, for whatsoever they vainly promise themselves in the beginning, they are in the

end ashamed, and afraid of the income of their evil practices; and indeed every sort of disobedience hath so ill a report in the world, that even they who are guilty of it themselves, do yet speak ill of it in others: let therefore the disreputation and obloquy which it will inevitably bring upon you, make you out of love with it, or if that will not do, let the stings of your guilty consciences, and the fear of Divine vengeance restrain you, or if you are still insensible of all these, yet at least let the present fear of those temporal Punishments, which the Laws of the Kingdom have superadded to the contemners of God's and the King's authority, oblige every soul that hears me this day to be subject to the Higher Powers. If neither a most merciful God, nor a most gracious King can please you, your wages will he recompence upon your own heads. Were it not for this serpent of discontent and jealousies, which are now so busy in it, this Kingdom would be like the garden of Eden before the Curse, a mirror of prosperity and happiness to all the world besides; but this serpentine humour of stinging and biting one another, and of tempting men to rebel against God and the King, because others who differ from us in judgement are as happy as ourselves, will as certainly turn us, as it did our first Parents, out of Paradise. Our nation is in greater danger of being destroyed by profaneness than Popery: by sin than by superstition: by other iniquities than by idolatry, and I pray God that we may not see sacrilege once more committed under the pretence of abhorring idols, as I myself have seen in this place. If there be any among you who have sinned with so high a hand against our gracious Sovereign, as the obdurate Jews did against our Saviour, saying, We will not have this man to rule over us, such your petulant humour, such your shameful injustice and ingratitude will deserve the just animadversions of this Court. What distempers this College is sick of, which we are now come to visit by the King's Commission, yourselves are best able to tell us. We are informed of too many already, and yet we suspect there may be more, and therefore be but ingenuous and make a conscience of giving us sincere answers, and you shall find that we will abate nothing of the just measures of our duty for fear or favour to satisfy the importunities of any man, being well assured that God and the King will bear us out. I am sorry that you should any of you run so far upon the score of the King's royal patience and pardon, as some of you have already done: and that you should be in such vast arrears of duty and respect to him as you are. But they go far who never turn. The influence, which you may have upon other parts of the Kingdom, makes me charitably hope that your future fidelity, and allegiance will for ever answer your duty and the King's just expectation; and therefore I hope it will not be in vain for me to exhort you in the Bowels of Christ to a more entire submission and obedience, because if such men as you, bred in so famous an University, are not thoroughly convinced of the necessity of it, the more popular you become the more pernicious will you be in encouraging your deluded admirers, who have their eyes upon you from all parts of the Kingdom, to be as disobedient and contumacious as yourselves, by which the honour and authority of the King may be diminished, and the peace both of Church and State come to be endangered. Obey them who have the Rule over you, either in Church or State, and submit yourselves before it be too late, for your

contumacious behaviour towards them will yield you no profit at all, but your obedience much every way: the former will prove like the sin of Witch-craft, but the latter will be better accepted than Sacrifice, because in that you only offer up a beast to God, but in this you sacrifice your passions,—you slay them, and offer them up to God's service. Remember error seldom goes in company with obedience, and that none are so likely to find the way to eternal happiness in the end, as they who follow the conduct of their Superiors from the beginning; not with eye service, as men-pleasers, but in singleness of heart, fearing God and the King; and whatsoever you do, do it heartily, as unto the Lord, and not unto us men; and the Lord give you understanding in all things.

The speech being ended, the Lords adjourned till the afternoon to the *Common Room* of the College.

(*Johnston*, pp. 54–61.)

Hunt states (MS. p. 57) that the speech was *read* by the Bishop of Chester, and so the MS. afterwards was printed by Dr. Johnston.

150.

1687, Oct. 21. Continuation of Baron Jenner's Diary.

Went to the College about nine, where all things were very civil and quiet, only a great crowd: read our Commission, and so to dinner: there again about two in the afternoon, where the crowd great, and Dr. Hough very obstinate, and other of the Fellows. However we proceeded fair as we could, till about four; and so went to Queen's; thence home, had a supper and so to bed. (*Johnston.*)

151.

1687, Oct. 21. As above.

Friday afternoon. At which time the Court being sat, Dr. Hough in behalf of himself and the Fellows demanded a copy of their Lordships' Commission, which was denied him, and the Court ordered to proceed, and then admonished the Fellows to produce the Register of the College affairs, and also to give an account of what Leases had been let for two years last past, together with the Benefactions given to the College; and likewise ordered them to bring in the Buttery Book tomorrow morning, to which time they adjourned.

(*Johnston.*)

152.

1687, Oct. 21. Continuation of Bishop Cartwright's Diary.

In the afternoon we called over the College Roll, and marked the absent. Dr. Fairfax, because in Town, and not appearing, was pronounced contumacious, pœnâ reservatâ in prox. The Buttery Book brought up by the Butler, and the Statutes by Dr. Hough. Dr. Hough desired a copy of the Commission in writing, which was denied him, and then he in his own name, and the greatest part of the Fellows said that he did submit to the visitation so far as it was consistent with the laws of the land, and the Statutes of the College, and no farther; and said

that he must suffer no alteration in any Statute by the King, or any other, for which he had taken an oath, from which he could not swerve, and for which he quoted the Statutes confirmed by Henry VI^th^, and their oath in them, that they would submit to no alteration made by any authority. Then D^r^. Hough's former sentence of deprivation was commanded to be read; to which he replied that he had never been cited, nor heard, and therefore supposed the sentence to be invalid, and refused to submit to it, though he confessed that he had notice of it. The College's Petition to the King to recommend some other in Farmer's room was read;—and asking them why they did not stay for an answer to it, D^r^. Hough replied, that their fifteen days were out before April 15, on which they had no other sent to them;—and requiring him to give up the Register, he promised we should have it tomorrow morning. D^r^. Rogers' Petition for the organist's place, worth £60 per annum, of which he says he was unduly deprived, was given in by M^r^. Holloway, and filed, and so we adjourned till the next day at 8. We visited D^r^. Halton, and the Bishop of Man[1]. M^r^. Spencer, M^r^ Welsh, and M^r^. Holloway came to visit us.

153.

1687, Oct. 21. Continuation of D^r^. Thomas Smith's Diary.

Afternoon they called over the names of the rest of the College, Demies, Chaplains, &c. After this D^r^. Hough demanded a copy of their Commission, which was denied him, and several discourses happened hereupon between them and him, about the order of the Commissioners at London vacating and annulling his Election. Then our Petition was read, which was delivered by me and M^r^. Bagshaw to the Earl of Sunderland on the tenth of April, and discourses upon it. The Commissioners ordered us to fetch the Buttery Book, the Statute Book, the Registers, and Ledger Books, to bring in an account of the standing revenues of the College, and what moneys have been levied for fines for these two last years, and what land or estate given for hospitality, which has not been applied for that use. They bid us deal ingenuously with them, for they would deal fairly by us.

154.

List of the Demies, Chaplains, Clerks, and Choristers, with References to the printed College Register.

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[1] Baptist Levinz, formerly Fellow of M. C., 1664-1683. At this time he seems to be playing the courtier and complimenting the Commissioners.

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155.

1687, Oct. 21. Proceedings of the Commissioners.

In the afternoon were called over the names of the Demies, Chaplains, Clerks, Choristers, and College Servants. The President then interposed, desiring leave to speak before they proceeded any further, which being granted he told their Lordships that:—

President. The time betwixt your Citation and appearance was so short, that the Society had not time to advise with the Council how to behave themselves on this occasion: I therefore desire of your Lordships a copy of the Commission and time to consider of it.

Bishop C. It is upon record, you may have it above.

President. Is it the same the other Lords Commissioners had?

Bishop C. Yes, for the most part it is.

President. Then, my Lord, I do assure you, and will make oath of if you please, that I have often endeavoured to get a Copy of it, and could not procure it.

Lord Chief Justice. Have you not heard it read, or will you hear it again?

President. I am not capable of making a judgement of it myself, but it is possible that there may be errors and defects in it, such as the Society may make use of to their own advantage, and I am confident it is neither his Majesty's intention, nor your Lordships, that we should be debarred from it.

(A copy was then denied.)

Bishop C. Dr. Hough, will you submit to this Visitation?

President. My Lords, I do declare here in the name of myself and of the greater part of the Fellows, that we submit to the Visitation so far as it is consistent with the Laws of the Land, and the Statutes of the College, and no further. I desire your Lordships that it may be recorded. (This was twice repeated.)

Lord Chief Justice. You cannot imagine that we act contrary to the Laws of the Land, and as to the Statutes the King has dispensed with them. Do you think that we come here to act against Law?

President. It does not become me, my Lords, to say so, but I will be plain with your Lordships. I find that your Commission gives you authority to change and alter the Statutes, and make new ones as you think fit. Now, my Lords, we have an oath not only to observe these Statutes (laying his hand on the Book) but to admit of no new ones, nor alterations in these. This must be my behaviour here. I must admit of no alteration from it, and by the Grace of God never will.

Bishop C. Do you observe all these Statutes?

President. Yes, my Lord, I hope we do.

Bishop C. You have a Statute there for Mass, why don't you read Mass?

The President. My Lord, the matter of this oath is unlawful, and in such a case no man is obliged to observe an oath. Besides the Statute is taken away by the Law of the Land.

Bishop C. By what law?

Dr. Stafford. By that which obliges us to say *Common Prayer*.

Bishop C. What, the Act of Uniformity? I have often considered it, and do not remember one word of *Mass* in it.

Dr. Stafford. But that obliges us to use the Liturgy of the Church of England in all Collegiate Churches and Chapels, and I hope, my Lords, you do not imagine that we can say *Common-Prayer* and *Mass* together.

Bishop C. Do you allow that an Act of Parliament can free you from the Obligation of a Statute?

The President. I do not say but that his Majesty may alter our Statutes, nor do I know but a Parliament may do the same: I dispute not their power, only this, my Lord, I say that I, who already have taken an oath to observe the Statutes as they now stand, and am sworn not to admit of any change or alteration by any authority whatsoever [and then turning to the oath, where they were to observe these Statutes and no other, according to the literal and grammatical sense etc., and reading it to their Lordships] can obey none. But then those who come after such limitations and restrictions are made, are not obliged to observe them, and that, my Lords, is our case as to the Statutes of the Mass.

Then the Decree of the 22nd of June was read, declaring the President's Election null and void.

Bishop C. Did you know of this Decree etc.?

The President. Yes, my Lord, I have heard of it.

Bishop C. Why then did you not obey?

The President. I was never cited before their Lordships, nor was either heard by them in person or proxy; and I think that I am the only instance that is extant of any man, who was ever deprived of a Freehold, wherein he was legally invested, and of which he was quietly possessed, without being summoned or heard.

(Here mention was made of Dr. Fairfax's suspension.)

The President. My Lord, he is absent, and if your Lordships give me leave, I have somewhat to say on his account; your Lordship may please to observe in that Decree that the reason given, why Dr. Fairfax was suspended from his Fellowship was because he had not observed his Majesty's command in not electing Mr. Anthony Farmer, President of the College: now the charge of immorality given in against Mr. Farmer by the College Delegates was made out, and their Lordships fully satisfied in it on the 29th July, notwithstanding which this Decree for suspension of Dr. Fairfax was fixed on the College gates on the 2d of August.

Bishop C. The King hath for the most part recommended to the Presidentship of this College.

The President. I am the twentieth President, and only four of that number have been recommended by the Kings and Queens of England, whereof three were everyway qualified for that office.

Bishop C. Who were these?

The President. My Lord, there was one in the time of Edward VIth, one in Queen Elizabeth's, and two in the late King's reign.

Bishop C. Was there never a one in the Reign of King Charles 1st.?

The President. Not that we know of.

Bishop C. What think you of Dr. Oliver? To my knowledge, as I am informed, he had a mandate, and carried it about from Fellow to Fellow, and showed it to them and they went into the Chapel, and immediately elected him.

The President. It doth not appear to us, my Lord, that he ever had a mandate, no such thing appears upon our Register.

Bishop C. But it appears to us, and I will bring you one to swear that he had a mandate.

Lord Chief Justice. Where is your Register? Let us see them.

The President. The truth is that we have lost the Register of Dr. Oliver's Election and admission: the Register between the years 1640 or thereabouts and 1660, being taken away by those, who were turned out of the College at that time. But I believe, my Lord, we are able to prove that he was elected and admitted according to the Statute.

Bishop C. Is this your way of dealing with us? First, you quote your Statutes, and then tell us they are taken away. If you have any Register, deal above board with us, as we will with you, and let us see them.

The President. We have one of the time since the King came in.

Bishop C. Where is it? Send for it.

The President. We cannot come at it, for there are several keys to the Door, and Dr. Aldworth has one, he being Vice-President, and he is out of Town.

Bishop C. He is not far off, is he? let us send for him. But I know that Dr. Aldworth is too much of a Gentleman, and too submissive to authority, that he could not keep a Key, since he is pronounced not Vice-President. Deal ingenuously with us. If he hath not the Key say so. Dr. Hough, have you any Register in your own keeping?

The President. Yes, my Lord, I have one, but I conceive that by the Statutes I am obliged to keep it, and therefore I desire time to consider of it.

Bishop C. No Time—but let us see it.

The President. Well, my Lord, you shall.

Baron Jenner. He questions our authority, I think. Did not our Commission say that we were to call for, and see, all Papers and Registers?

Bishop C. Well, Gentlemen, if your Statutes can no way be altered, how came the late Dr. Clarke to be admitted President? Was he a statutable person?

The President. Yes, my Lord.

Bishop C. Do not your Statutes require that he should be in Orders? Was he in Orders?

The President. My Lord, the Statutes only require that he should be a Doctor of Divinity, Physic, Law, or Master of Arts. There is indeed one Statute that says, that the President or Senior Fellow should read Prayers upon certain days, from whence we conclude that the Founder supposed that we might have a President, that was not in Orders: and in such a case he takes care that the Senior Fellow should do his Duty.

Charnock. My Lord, will you be pleased to ask Dr. Hough whether Dr. Clarke was married or not?

The President. No, Sir, he was a Widower.

(Then the Petition was read from the Society to his Majesty, signed the ninth of April, and presented on the tenth to the Earl of Sunderland by the hands of Dr. Thomas Smith and Captain Bagshaw, wherein it was set forth that having heard that his Majesty would recommend Mr. Farmer to them, a Person incapable, they did humbly beseech him, either to leave them to a free Election, or recommend a qualified person.)

Bishop C. Was this Petition answered?

The President. Yes.

Bishop C. Why then, did you not stay for his Majesty's answer?

The President. My Lord, we did, till the very last day, wherein we are limited to finish the Election, and my Lord Sunderland returned us in the King's name this answer 'That His Majesty expects to be obeyed.' Now, my Lords, we did no longer defer the Election because our Statutes enjoin us (to elect) within such a time, and we did stay to the utmost, nor could we choose the Person whom His Majesty did recommend, knowing him to be so unfit, as we afterward made him appear to be.

Bishop C. Grant that Mr. Farmer was not capable of it, how comes it to pass, that when you had read the King's mandate you sent word to the Earl of Sunderland that the Person, whom the King had recommended, was unfit for the place, and that before you had humbly desired his Majesty would recommend another that was fit for it, and you would thankfully receive him. And yet notwithstanding when the Earl of Sunderland's answer came with a mandate to you to elect the Bishop of Oxford, you sent him word that the Place was full: my Question is how you came to

fill that place contrary to the King's mandate and your own proposals in that Letter?

The President. Had the King sent another Person, and that within Statutable Time, we had thankfully received him. My Lords, within fifteen days (as I have already informed your Lordships) they (the Fellows) were bound to elect a President, and because the Earl of Sunderland's Letter came not in that time, they were forced to make such an Election as you see.

Lord Chief Justice. A mandate always implies an Inhibition in respect of all others, and by virtue of the King's Prerogative there is supposed a Reserve from what private Statutes require.

The President. My Lord, I cannot conceive that, neither since the College was founded hath there been any instance of that nature.

Bishop C. But I can, and, if you question it, here is the King's Councel ready to argue it,—at what time was your College founded?

The President. In King Henry the Sixth's Time.

Bishop C. Well, when the King suffers a College to be founded, he always supposes such a reserve for his own Power.

The President. When a King suffers a College to be founded within his Kingdom, and approves of the Statutes that were made for it, and nothing is therein expressed, implying such a reserve, we, to whom the Statutes are delivered, and who positively swear to the observance of them, cannot have such a reserve implied in them; whilst the Person whom his Majesty recommends appears duly qualified for the Place, it seems indeed to imply that we should not proceed to the Election of another, but when he is known to be utterly incapable it seems to be the same as if there were no Letter at all.

Bishop C. Well Gentlemen: in short. First of all, I demand all your Registers. Secondly, I demand (an account of) the Revenues of your College, with an account of your Benefactors, what every one gave, and to what use the money was assigned, and how it was employed upon your uses, and how far converted to others, and in plain English how far it was designed for Hospitality. Thirdly, I demand a copy of all your Leases, which you have let for two years last past,—to whom you have let them, and what Fines you have received upon them. Mr. Steward, do you hear, pray look out your leases.

The President. My Lord, this requires time, and I hope you will grant it.

Bishop C. Till Tuesday next.

(Some other Things and Questions less material were put, and then the Court was adjourned till Saturday the 22d, at nine in the morning to *The Common Room*, the Hall being, as they said, too public and incommodious.) (*Impartial Relation.*)

156.

1687, Oct. 21. Letters from Henry Holden (Demy 1682, Fellow 1686) to his Father Mr. Humphrey Holden of Erdington, co. Warwick.

Honoured Sir. The Commissioners came to Magdalen College Chapel, but disliking the Place as inconvenient, immediately adjourned

to the Hall. After reading the Commission the Bishop of Chester in a large speech severely reprimanded the Fellows of their disobedience, telling them that their obstinacy looked like rebellion, which is as the sin of witchcraft, and exhorting them to a timely compliance as the only means to prevent their eminent ruin &c. which done all the Fellows were called over, and they adjourned to the afternoon.

The Court being seated, they called over all the members of the House, and as they were going to proceed. Dr. Hough addressed their Lordships in these words:—that he and the Fellows did submit to the Visitation so far as it was consistent with the laws of the Realm and the Statutes of the College but no further: that they had but two days notice to prepare for it, desiring further time. The Visitors replied, God forbid they should do any thing contrary to law, but their Statutes could be no law to their judicature, overruling their plea for longer time of (preparation?): then they demanded why they had elected Dr. Hough in contempt of a Mandate for Mr. Farmer. It was replied that Mr. Farmer was not qualified in any respect, as had been sufficiently proved:—that they had petitioned his Majesty to have a Statutable Person named to them, but not receiving an answer till the time limited by the Statutes was just expiring they had made choice of Dr. Hough, who was elected in due form, and confirmed by the Bishop of Winchester their Visitor: that they had not received any prohibition; nor could they elect or admit of the Bishop of Oxford, for as much as when his mandate came the Place was full already. To this the Court urged that the King's mandate for Farmer (though a man unqualified) was in effect an inhibition from choosing any other till His pleasure was farther known, upon which followed much debate about the obligation of their Oaths and Statutes, which their Lordships would have to be understood with reference to the King's dispensing power in all Corporations, as being Bodies of his Majesty's creation, and mere products of his grace and favour. Dr. Hough spake very fully to all particulars with so modest, calm, and yet assured mien, with so much reason, eloquence, and gracefulness, as charmed not only his Judges, but even his enemies too. One thing amongst many other he told them, which I will not omit, that he had never in the whole course of his (office?) been called to appear, and that he imagined he was the first instance of any Person that had been condemned unheard. The Court then ordered three things. 1st to have the College Registers produced. 2d to have an account of what Benefactions had been given for Hospitality and Charity and how they are now disposed of. 3rdly. that they should deliver in a list of what Leases and Copies had been renewed for the two years last past, for what Fines, and so adjourned till the next morning to *the Common Room* as more convenient to keep out the Crowd, which was very troublesome.

[?]

157.

1687, Oct. 22. Letters from Henry Holden, Fellow, continued.

The first thing they did was to call in Dr. Hough, with whom they discoursed in private for an hour, asking whether he thought himself

lawful President, and advising him to recede quietly, and leave his Lodgings &c., all which he refused. In the discussion he told them that he perceived that they were resolved to put him out, and as he had before applied himself to them as Judges, so now if they were Persons of honour and Gentlemen he urged them that they would represent him to the King as his Majesty's most dutiful Subject; that nothing but his oaths and (conscience?) would have moved him to withstand his Majesty's pleasure, and that he should think himself most miserable, should he be under his Prince's disfavour. Their Lordships accepted very well what he had offered, and assured him that they would acquaint the King with all imaginable favour in his behalf. The doors were then opened, and the sentence of deprivation read, with the Mandate for the Bishop of Oxford. The Fellows were asked singly whether they would assist at his enstallment, which all but two or three refused.

They adjourned till after dinner, at which time Dr. Hough appearing entered his protestation that whereas their Lordships pursuant to an Order from above had pronounced his place void, and struck his name out of the Buttery-Book, he did protest against all that they had done, or should at any time do, in prejudice of him and his right, as illegal, unjust, and null, and did hereby appeal from them to our Sovereign Lord the King in his Courts of Justice.

Upon speaking the same indiscreet persons set up a great hum, which so incensed the Judges, already nettled at his remonstrance, which they said was itself a Riot, that they instantly bound over Dr. Hough in £1000 Bond, and two Sureties in £500, to appear at the King's Bench Bar on November the 12th, though he and all the Fellows offered to make oath that they were not in the least privy or abetting to it. The Court then took occasion to express a very great esteem for the parts and person of the Doctor,—that they would all have ridden a hundred miles to serve him, but that they must of necessity animadvert upon so great an affront put upon his Majesty, and his Representatives; with which the day's Proceedings ended, the Court being adjourned till Tuesday.

158.

Anonymous Letter sent to the Lord Chief Justice Wright, probably written in Oct. 1687.

To the Lord Chief Justice Wright. I have known your Lordship to be a man of Integrity and Justice, and though you have great temptations, I cannot believe that you will depart from the Principles thereof. The employment your Lordship is involved in is a great Cause. The eyes of all the Kingdom are upon it; it is not only the case of Magdalen College but of all the Colleges and Halls of private Foundation in both the Universities. Queen Elizabeth was invested with greater authority in cases of Visitation than any of her Successors. There were two Statutes in the First year of her Reign that gave her great power: the first was printed, being the Act for restoring to the Crown the ancient Jurisdiction of the State Ecclesiastical. The second was not printed. It was entitled:—an Act giving authority to the Queen to make Or-

dinances in Collegiate Churches and Chapels. It has always been held as a Law that the King could not visit any College (but Royal Foundations) where there are Local Visitors appointed by their Founders, and although that Queen (Elizabeth) was invested with those Powers mentioned, there is no instance that can be given of any the like Commission issued by her, as that by your Lordships. I know that there has been a Precedent mentioned of a Commission of Visitation issued in the tenth year of Queen Elizabeth to the Earl of Leicester, and others, to visit Corpus Christi College in Oxford, but that does in no sort agree with your Lordships Commission, for that was awarded upon a defect in the Statutes of the College, for the Bishop of Winchester, their Visitor, could not visit, for he is (allowed) by the Statutes but once in five years to visit, and he had visited scarcely two years before, and so could not then visit. And upon that it was that a Commission was granted to visit; and even in that Commission the Bishop of Winchester was one of the Visitors, and they authorized to plead no otherwise than according to the Ecclesiastical and Municipal Laws of the Land, and the Constitutions, Ordinances, Customs, and Privileges of the College, and such rules and articles as were used by the Bishops of Winchester in their usual Visitation; as your Lordship may see more at large in an Extract of that Visitation here enclosed. There is another Case reported in Dyer: it is Thomas Coveney's Case.

I desire your Lordships further to consider that the King is manifestly wronged in this procedure. He is to be advised by my Lords, the Judges; and if he be misled, the imputation must be to you, and if any Extraordinary Course be used to these poor men, who in the general belief of both the Universities, and the whole Kingdom, have not offended the Laws; the Question will be of strange consequence, for Property and Right will never want friends, and the sufferers for it the compassion of mankind. Your Lordship's most humble Servant

. . . . .

(*Impartial Relation.*)

159.

1687, Oct. 22. Proceedings of the Commissioners.

Dr. Hough was called in, and it appearing to their Lordships that his Election to the President's Place was made null and void by a sentence given by the Lords Commissioners for Ecclesiastical Causes, and that he, the said Dr. Hough had legal notice of the same, but notwithstanding the said sentence he had refused, and still did refuse to submit thereunto, the Court ordered him forthwith peacably to depart the College, and deliver up the Keys of the Lodgings, and they struck his name out of the Buttery Book, and having so done, declared to the Fellows, that he was actually expelled, and admonished them not to own him as their President.

Then the Court asked the Fellows whether they would admit the Bishop of Oxford their President according to the King's Mandate, but all of them refused, except Mr. Charnock, but said that they would not oppose it.

Then they adjourned till the Afternoon. (*Johnston.*)

160.

1687, Oct. 22. Proceedings, continued.

As soon as their Lordships met in the *Common Room*, and the Society before them, the first word was, 'Withdraw,' and after a little time the President was called in alone.

Bishop C. Do you submit to the Decree of the Commissioners whereby your Election is declared null?

The President. As to the Decree of the Lords above, it is a nullity in itself from the beginning to the end, so far as it relates to me, I never having been sued, or having ever appeared before them, either by Person or by Proxy. Besides my Cause itself, I was never before them, their Lordships never enquiring, or asking one question, concerning the legality and Statutableness of my Election, for which reason, as I am informed, that Decree was of no validity against me, according to the methods of the Civil Law. But if it were, I am possessed of a Freehold according to the Laws of England, and the Statutes of the College, having been elected as unanimously, and with as much formality as any one of my Predecessors, who were Presidents of this College, and afterwards admitted by the Bishop of Winchester, our Visitor, as the Statutes of the College require. And therefore I cannot submit to that sentence, because I think that I cannot be deprived of my Freehold but by course of Law in Westminster Hall, or by being in some way incapacitated by the Founder's Statutes.

Bishop C. Will you deliver up the Keys of the President's Office and Lodgings for the use of that Person, whom the King hath appointed your President, as the Statutes require?

The President. As the Statutes require, my Lord.

Bishop C. Yes, as your Statutes require.

The President. I will immediately do it, if that appear.

Bishop C. Turn to that part of the President's Oath, where he promiseth to submit quietly, if he shall be expelled, either for his fault, *vel ob aliam causam.*

The President. My Lord, that Statute only concerns me, if I be expelled for any fault committed by me.

Bishop C. Vel ob aliam causam.

The President. Then, my Lord, to be short, here is no cause at all.

Bishop C. I ask you again, Will you deliver up the Keys to the President whom his Majesty hath appointed?

The President. My Lord, there neither is, nor can be, a President so long as I live and obey the Statutes of the College, and therefore I do not think fit to give up my Right, the Keys and Lodgings.

Bishop C. We may demand them of you as Visitors.

The President. My Lords, we never deliver up the Keys to the Bishop of Winchester, and we own no greater Visitatorial Power than his. He hath the King's authority. It is by virtue of a Royal Charter, that we live together, and enjoy the benefit of this place, that empowered our Founder to give us a Rule, and obliged us by oath to act suitably unto it: and the Bishop of Winchester is hereby constituted to be our Visitor, and

all this we own from the King's authority. The Bishop of Winchester is our ordinary Visitor: the King, I presume, our extraordinary. But your Lordship knows it hath been controverted whether the King can visit a private College or not? The authority of the President is made by delivering up the Statute Book and Keys, and therefore I look upon them as an essential Badge of my office. But I humbly beg that I may ask your Lordships one question. Your Lordship is pleased to demand of me to give up these things. Does your Lordship own my Right? For if not, what is it your Lordships would have me give up?

Bishop C. No, we look upon you as an Intruder.

The President. If I am an Intruder, the Bishop of Winchester made me one, and I thank God for it. My Lords, the time we have been allowed for this appearance has been very short, only one day betwixt it and the Citation. We are more ignorant in the Laws, and I must confess it of myself in particular that I have endeavoured to give your Lordships a plain and satisfactory reply to such questions as your Lordships have been pleased to put to me. It is very probable that through ignorance and inadvertency I may express myself unwarily. If so, I beseech your Lordships, let no advantage be taken of it, my intention has been always to express myself with all imaginable duty to the King and respects to your Lordships. If I have done otherwise, I beseech your Lordships' candour in a favourable interpretation of what I said, that nothing may be taken amiss, where all was dutifully intended.

And now my Lords, thus far have I appeared before you as Judges. I now address you as Men of honour and Gentlemen. I beseech you to represent me as dutiful to his Majesty to the last degree, as I always will be so far as my conscience permits me to the last moment of my Life, and when I am dispossest here I hope your Lordships will interceed that I may no longer lie under his Majesty's displeasure, or be frowned upon by my Prince, which is the greatest affliction that can befall me.

Upon this the President was ordered to withdraw, and, after a little time he and the Fellows were called in again. Then the Bishop repeated this Question.

Bishop C. Dr. Hough, will you deliver up the Keys, and quiet possession of the Lodgings to the Person whom his Majesty has appointed President? To this no answer was returned. The Bishop repeated a second time.

The President. My Lords, I have neither seen nor heard any thing to induce me to it.

Bishop C. Dr. Hough, will you deliver up the Keys, and quiet possession of the Lodgings to the person whom his Majesty has appointed President?

Whereupon the King's Proctor stood up and accused Dr. Hough of contumacy. Then the Bishop of Chester admonished him in these words three times:—Dr. Hough, I admonish you to depart peaceably out of the Lodgings, and to act no longer as President, or pretended President of this College.

Which being so done they struck his name out of the (Buttery) Book and admonished the Fellows, and others of the Society, that they should no longer submit to his authority. (*Impartial Relation.*)

(It would appear that there were some in the Hall at the time of this conversation, who either took notes of it at the time, or wrote down afterwards what portions of it they recollected. This will account for certain variations and additions which may be found in 'The Impartial Relation,' in 'the account of it in Wilmot's *Life of Hough*,' and in the 'Corpus Christi College Manuscript.'

For example in Wilmot's Life, after the Denial of a Copy of the Commission, the Bishop of Chester says to Dr. Hough, What is the reason that you act as President, since the Election was declared null and void by the Lords Commissioners sitting at Whitehall in June last, and the Fellows stand out in contempt of the King's Mandate?

Dr. Hough. My Lord, both myself and the Fellows have taken oaths, so strong and binding, that we cannot depart from them without offering the greatest violence to our consciences. It was according to the Statutes of our College that they made choice of a President, and therefore they were not capable of proceeding otherwise; and as to myself, I have been condemned at Whitehall, and turned out of my property without giving me a hearing, or so much as a Citation to appear.

* * * * * * *

Bishop C. Will you deliver up the Keys to the use of that Person, whom the King has appointed President, as the Statutes require?

Dr. Hough. As the Statutes require, my Lord?

Bishop C. Yes, as the Statutes require.

Dr. Hough. My Lord, I will immediately do it, if that appear.

Bishop C. Turn then to the Statutes where he promises to submit quietly, if he shall be expelled, either for his own fault, or other cause.

Dr. Hough. This Statute doth not concern me, if I be not expelled for any cause committed by me.

Bishop C. Vel ob aliam causam.

Dr. Hough. Then to speak the truth, my Lord, here is no cause at all.)

161.

1687, Oct. 21. Dr. Fairfax.

At the first Sessions Dr. Fairfax purposely absented himself; but Mr. Atterbury making affidavit he was in Town, and that he advised him to appear, the Doctor accordingly did so the next day (Friday, Oct. 21). The Doctor being called in alone, and the Doors immediately shut, he begged of the Lordships some company might be let in, because, as all had observed, the Bishop in his Speech at the opening of their commission promised to transact every thing in the face of the world. The Bishop complained of the Crowd. The Doctor then desired to fetch in but two or three, at length but one, and him at the door, viz. the College Steward, a Public Notary.

Baron Jenner. You must not think to prescribe to the Court.

Bishop of Chester. What is the cause of your contempt in not appearing at either of the Sessions yesterday?

Dr. Fairfax. No contempt, my Lord, but for these ensuing reasons. I thought my Suspension above had eased me of that trouble. The

Doctor tendering a copy of it, which was read by the Commissioners, the Doctor insisted very much on the reasons their Lordships at Whitehall gave for his Suspension, viz. For not obeying his Majesty in electing Mr. Farmer, he tendering a Copy of Articles made good against him, and yet their Lordships ordered his Suspension to be fixed on the College Gates five days after that famous hearing. A Second Reason for his non-appearance was that upon the first day of the ensuing term he intended to meet the Lord Chief Justice at his Court of King's Bench for relief against the Sentence, his Fellowship being a Freehold: witness Coveney's Case.

Bishop of Chester. You will find but little favour there.

Dr. Fairfax. My Lord, in Courts of Judicature I only expect Justice, and (turning to the Lord Chief Justice) I have myself, said he, been above four years in all the Courts of Westminster Hall, and found excellent justice, and I will see how it is now.

Lord Chief Justice. You shall have justice.

Dr. Fairfax. But your Lordship may save me the labour of two journeys, and my charges, by improving your Lordships deserved interest with my Lords Commissioners there, and get them now to take off my Suspension. It is ill travelling at this time of year, and besides I am not rich.

Baron Jenner. To sue in Westminster Hall requires a Purse.

Dr. Fairfax. My Lord, I did not say that I was poor.

Lord Chief Justice. You must make your supplication and submission to the King.

Dr. Fairfax. My Lord, they tell me that this business lies in your Lordship's Court, and only there. Besides the trouble I am otherwise to give your Lordship, what a noise will the cause make that Dr. Fairfax is suspended for this very reason, viz. for not obeying the King in electing Anthony Farmer, such a virtuoso: and under correction your Lordships are obliged to take off my Suspension, to take off the shame from that Body, whose number by a common adjunct you yourselves have lately increased.

Baron Jenner. We must not endure these reflections on the Court.

Bishop of Chester. But will you submit to this visitation?

Then Dr. Fairfax read a paper subscribed by him, dated Oct. 21, in these words:—'My Lords, I have been summoned and appeared in this cause before the Lords Ecclesiastical at Whitehall, with whom your Lordships are now joined in Commission, and then gave in my answer. I have nothing to add to it, and find no reason to retract.'

'Henry Fairfax.'

Bishop of Chester. Will you admit the Bishop of Oxford?

Dr. Fairfax. I am suspended.

Bishop of Chester. Have you done no Collegiate Act since your suspension?

Dr. Fairfax. My Lord, I have gone into the Hall, and laid in my chamber. I did not think their Lordships, when they suspended me, ever intended that I should not eat, drink, or sleep.

Bishop of Chester. If your suspension was off, would you submit to the Bishop of Oxford?

Dr. Fairfax. Truly, my Lord, I cannot do it.

Then all the Fellows were called into Court.

The President being withdrawn, the Bishop put the Question to all the Fellows, viz. whether they would assist at the admission of the Bishop of Oxford to be installed President by virtue of the King's Mandate? To which was answered by all the Fellows to this effect (except Dr. Pudsey and Dr. Thomas Smith, who answered doubtfully, and Charnock that he would assist) that they were under oaths to the contrary, and therefore could not do it.

Then all were ordered to withdraw, and Dr. Pudsey being called in alone, they asked him concerning the manner and form of installing a President, which he instructed them in.

The Court adjourned till two in the afternoon.

(*Impartial Relation.*)

162.

1687, Oct. 22. Continuation of Baron Jenner's Diary.

Went to the College about eight, sat in the *Common Room*: all persons being first turned out, we consulted what and how the next thing was to be done: then went on with Dr. Hough, pronounced him contumacious, and put his name out of the Book, and admonished the Fellows not to own him as President; and enquired into some of their contempts; then adjourned till two.

The Bishop of Man (Baptist Levinz) dined with us. A Libel against the Bishop of Chester left in the morning. When we went again the room very full, and having home[1] proceedings against the Fellows, Dr. Hough came in with a great company, and did appeal from us to the King in his Courts of Justice, whereupon there was a Hum, which we took notice of, and my Lord Chief Justice required the sureties for their good behaviour from the Doctor, who having withdrawn, we consulted about this appeal, and then called them all in, and overruled their appeal, and the Doctor was bound in £1000 himself and £500 apiece his bail, to appear at the King's Bench this next term. Then we adjourned till Tuesday,—came home, and we filled the packet for London, and in the mean time the Bishop of Man came from the College, and Dr. Hedges desired leave to go to the College, and upon the whole we have yet some hopes of their complying in some measure. The following Letter was written to my Lord Chancellor. The Vice-Chancellor and some of the Heads came to see us this night.

May it please your Lordship. We have sent a Letter to my Lord President with a particular account therein enclosed of our proceedings here, by which it will be seen how the College have carried themselves towards us, but by reason of the Bishop of Oxford not appearing in person, and the King's Mandate for admitting him not being directed to us but to the College, we have foreborne the executing the same till Tuesday next, that we may give this account in the Interim, and receive your Lordships commands herein, which we shall be ready to observe,

[1] So in Dr. Bloxam's MS.

further craving leave to acquaint your Lordship that we humbly conceive we cannot proceed further against Dr. Hough than expulsion (which is already done) by the powers we as yet have. We therefore beg the favour of your Lordship's advice and direction which shall be readily obeyed by your Lordship's most humble and dutiful Servants,

Thomas Chester,
Robert Wright,
Thomas Jenner.

P.S. My Lord, since the writing of this Letter we have reason to believe we shall have an entire submission from the College on Tuesday next, for Dr. Hough since his expulsion has left the College, and taken Lodgings in the Town.

(Another Letter to the like purpose was written to my Lord President, signed by us all, wherein our proceedings at large copied out were sent.)

163.

1687, Oct. 22. Continuation of Dr. Thomas Smith's Diary.

Adjourned to Saturday, 22d October, 9 in the morning, to the *Common Room, where all the other meetings of the Court were held.* We were all soon bid to withdraw. Then the President was called in by himself, where after some debate, as he told us, he was admonished to deliver up the Keys of the Lodgings, which he refusing to do was ordered to withdraw, and after some little time we were all called in together. Dr. Cartwright, the Bishop of Chester, admonished Dr. Hough three times to depart the College peaceably, to deliver up the Keys, and to quit all further pretensions to the Presidentship. He replied that he would not deliver up his Keys, no, not to the Bishop of Winchester,—that he had never been cited, and could not be turned out of his freehold. They answered him that he had been cited as Fellow, and that he was never owned by them as President. He still persisting, Mr. Leigh, Proctor for the King, desiring sentence of the Lordships against Dr. Hough for his contempt and contumacy, the said Bishop of Chester proceeded in these words:—'Dr. Hough, by virtue of the King's authority, and a sentence passed at London by the Lords Commissioners for Ecclesiastical Affairs, we deprive you of the President's Place, and order you to depart the College presently; and we order also your name to be struck out of the Buttery Book.'

Afterwards Dr. Fairfax was called in by himself. Soon after all the Fellows. The King's Letters Mandatory for admitting the Bishop of Oxford President were read. The Fellows were asked in these words, whether they would obey the King's Mandate for the Bishop of Oxford to be President. Dr. Fairfax, who did not appear the day before, being under a Suspension, said nothing. Dr. Pudsey demurred at first, and said that he would submit to the King, though he could not admit (the Bishop of Oxford), but that he would be present at the Admission. My answer in my turn was, word for word, this, as I put it down there in the room in my note book:—'My Lords Commissioners, if it be the King's pleasure to make the Bishop of Oxford

President, and that your Lordships acting by that authority have declared him such, I do, because I must, submit. I make no opposition.' All the rest refused, saying that it was against the Statutes and their Oath; and would not, except Mr. Charnock and Mr. Thompson. The Commissioners put down every Fellow's answer in writing. It was said then that Dr. Hough had been examined in private, whereupon they told us that it was only for the greater convenience to themselves and us, but that they did nothing but what they would let all the world know, and so they read Dr. Hough's answer. Then they said to us, if you think that we have not taken your answers right, put them in writing yourselves against the afternoon, to which time they adjourned.

(*Cobbett*, col. 61, 62.)

164.

1687, Oct. 22. Continuation of Bishop Cartwright's Diary.

We called in the Steward with the Books of Leases and Court Rolls, which were delivered back to him, till we made farther use of them. The Butler brought the Buttery Book, and Dr. Hough being called in again, I told him:—'Doctor, here is a sentence under Seal before us of the King's Commissioners for visiting the Universities, by which your Election to the Presidentship of Magdalen College is declared null and void, which you yesterday heard read, and of which you confessed yourself to have legal notice before it being fixed upon your doors. This sentence, and the authority by which it was passed, you have contemned, and in contempt thereof have kept possession of the Lodgings and office to this day, to the great contempt and dishonour of the King and his authority. Are you yet willing upon second and better thoughts, *First*, to submit to this sentence passed by the Lords upon you, or not? *Secondly*, Will you deliver up the Keys and Lodgings, as by a clause in your oath at your admission you are tied to do, for the use of the President, who has the King's Letters Mandatory to be admitted into that office?'

To the first he says that the decree of the Commissioners is a perfect nullity from the beginning to the end as to what relates to him, he never having been cited, nor having ever appeared before them either in his person or by his proxy; besides, his cause itself was never before them, their Lordships never enquiring or asking one question concerning the legality and statutableness of the Election, for which reasons he is informed that the Decree was of no validity against him, according to the methods of the Civil Law; but if it had been, he is possessed of a Freehold according to the Laws of England, and the Statutes of the Society, having been elected as unanimously and with as much formality as any of his Predecessors, Presidents of the College, and afterwards admitted by the Bishop of Winchester, their Visitor, as the Statutes of the College require; and therefore he could not submit to that sentence, because he thought that he could not be deprived of his Freehold, but by course of Law in Westminster Hall, or by being in some ways incapacitated according to the Founder's Statutes, which were confirmed by King James the First.

Then the Doctor asked, 'whether we acknowledged his Title to the Presidentship.' I replied, 'No, for we looked upon him as malæ fidei Possessor, or an Intruder.' He replied that 'the Bishop of Winchester made him so, and said that he was satisfied with his own Title, and therefore did not think himself concerned to apply to the Commissioners till called, and that he expects legal courses should be taken against him, if he keep legal Possession.' To which, I replied, 'that the Election was undue, because the King had laid his hands upon the College, which was an Inhibition.'

To the second question he answered that 'there neither is, nor can be, any President so long as he lives and obeys the laws of the Land, and the Statutes of the Place, and therefore he does not think it reasonable to give up his Right, nor the Keys and Lodgings now demanded of him. He takes the Bishop of Winchester to be their ordinary Visitor, and the King to be his extraordinary, as he believed, but it had been controverted whether the King had power to visit or not (in Coveney's case 4 Eliz.), and yet he would deny him the Keys, because he looks upon commanding the Keys from him to be requiring him to deliver up his office. He said that he had appeared before us hitherto as Judges, and that he now addressed us as men of honour and judgement, and besought us to represent him as dutiful to his Majesty to the last degree, as he always would be, where his conscience permits, to the last moment of his life: and when he is dispossest, he hopes that we will intercede, that he may no longer lie under his Majesty's displeasure, or be frowned upon by his Prince, which would be the greatest affliction that could befall him in this world.' Which having promised, I admonished him to depart peaceably from the President's Lodgings, and to act no more as President, or pretended President of the College, in contempt of the King and his authority. 1^mo^, 2^do^, *et Tertio.*

M^r^. Leigh accused his contumacy, and prayed our Judgement, which was this:—'The Lords Commissioners for Ecclesiastical Causes, and for visiting the University, have declared the President's Place of this College to be null and void, and therefore, we, by virtue of the King's authority to us committed, do order and command D^r^. Hough forthwith to quit all pretensions to the said office, and that his name be struck out of the Buttery-Book, and we do admonish you the Fellows, and other members of this Society no longer to own him as your President.

Then we read the King's Mandate for the Bishop of Oxford, and so adjourned to the same *Common Room* till 2 in the afternoon.

165.

1687, Oct. 22. Proceedings.

D^r^. Hough came into the Court, and made his Protestation against the Proceedings, and appealed from the same as illegal, unjust, and null, as he asserts. Whereupon there was a tumultuous hum, or acclamation, made by the bystanders, which gave the Court some disturbance, insomuch that they thought fit to bind over D^r^. Hough in £1000, and two Sureties in £500 each, to appear at the Kings Bench, and again admonished D^r^. Hough to quit the College, which he accordingly did that night. (*Johnston.*)

166.

1687, Oct. 22. Proceedings, continued.

(Saturday the 22nd of October, at two of the Clock in the Afternoon.)

The Commissioners being seated a Letter[1] from Dr. Pudsey to the Earl of Sunderland was read, dated Aug. 28. Then the Fellows present desired of the Lords Commissioners that what had been transacted between them and Dr. Hough in the morning might be publickly read, which with much ado was granted.

Bishop C. Since Dr. Hough's Place is declared void, will you admit the Bishop of Oxford President?

Fellows. Without deliberate perjury, my Lords, we cannot do it. It is not in our power to do it. We will not do it.

Bishop C. Will you Sir? (speaking to Mr. Hawles.)

Hawles. My Lord, I am passive.

Bishop C. Passive, what do you mean by passive?

Hawles. My Lord, it is so common a word in the Church of England, and so plain, that it needs no explication.

Bishop C. Will you Sir? (speaking to Mr. Weelks.)

Weelks. I cannot agree to admit the Bishop of Oxford without premeditated perjury, and I will not do it.

Bishop C. Well gentlemen, give us your answer in form that we may satisfy the King.

Fellows. My Lord, we were forced by our Statutes to go to election, a Statutable Election we have made by all our consents. Dr. Hough was elected. By our Oaths we are bound not to admit of any other: and forasmuch as the King's Mandate for the Bishop of Oxford came too late, we conferred our power upon Dr. Hough, neither is it in our power to transfer it to another.

Bishop C. Well then, you all consented to that Letter, which was sent by Dr. Pudsey to the Earl of Sunderland, in answer to the King's Mandate to the Bishop of Oxford, that told him that the Place was full.

Fellows. Yes, my Lord, we did.

Bishop C. Did you Sir? (to Dr. Stafford.)

Dr. Stafford. My Lord, I did consent to a Letter.

Bishop C. But to that Letter. Will you have it read? (It was read.)

Dr. Stafford. Oh! yes, my Lord, to that very Letter, that very Letter.

Bishop C. Did you Sir? (to Mr. Charnock.)

Charnock. No, my Lord, I was out of Town.

Fellows. My Lord, he was in Town; but that Letter was agreed upon, and sent from the Chapel. Had he been at Prayers he had known of it, but, my Lord, he never comes to Prayers.

Bishop C. Did you Sir? (to Mr. Bayley.)

Mr. Bayley. Yes, my Lord, I did consent to it, and do, and it is my opinion still.

Bishop C. Then I see that you are resolved not to admit the Bishop of Oxford.

[1] See above, No. 98.

The Fellows. My Lord, we cannot do it.

During this Examination the President came into Court without any attendance, and having waited till it was ended, and their Lordships at a pause, he made his application to them.

The President. My Lords, if your Lordships please to give me leave, I would gladly speak a few words.

They were all pleased to put off their hats, and say he might, whereupon he said:—'My Lords, you were pleased this morning in pursuance to a Decree of the Lord's Commissioners at London to deprive me of my Place of President of this College, and to strike my name out of the Buttery Book. I do hereby Protest against all your Proceedings, and against all that you have done, or hereafter shall do, in prejudice of me and my Right, as illegal, unjust and null, and therefore I appeal to my Sovereign Lord the King in his Courts of Justice.'

Upon which the Strangers and young Scholars in the Room gave a *Hum*, which so incensed their Lordships that, notwithstanding all the protestations that the President and Fellows could make, the President in particular offering to purge himself by Oath, that he was in no ways accessory to, or abetting of it, and declaring that he was heartily ashamed and troubled at it, yet the Lord Chief Justice was not to be pacified, but charging it upon the President, he bound him in a bond of £1000, and security to the like value to make his appearance at the King's Bench Bar on the twelfth of November.

Moreover the Lord Chief Justice said that he had met with nothing but affronts from the College, for when he came into the Chapel, there was no table, when into the Hall, no carpet, (saying to some of them who begged his pardon) that the affront was done to the King whom they represented, and they could not pardon it, and as for himself, he valued not what people said of him, but was resolved to vindicate the honour of his Master to the last drop of his Blood; and if the Civil Power could not keep them in order, the Military should.

About this time several officers then in Town came into the Room.

Bishop C. There was a Libel dropped here this morning, which might be by some of you; and when we came into Town, as we passed along in the Coach through the High Street, I put off my hat to some Scholars, that were in a Bookseller's Shop, and one of them instead of returning the civility, cocks up his hat to show his pretty face. He was one of this House, and I spoke with him this morning, and shall speak with him again before I go out of Town, and make him know himself.

After this was read the Answer of the Fellows returned to his Majesty upon his command to them to elect the Bishop of Oxford. This answer was under the hand of a Public Notary, and subscribed by all the Fellows then present, except Charnock. The Bishop of Chester was pleased to charge the Fellows with unmannerliness in sending such an answer to their Prince after such a manner.

So they adjourned till Tuesday, the 25th of October, at 8 of the clock in the morning.

(*Impartial Relation.*)

167.

1687, Oct. 22. Continuation of Dr. Thomas Smith's Diary.

The Court being seated, Dr. Hough came to the Table, and after a little while said to the Commissioners:—'Whereas your Lordships in the morning have deprived me of my freehold, and have struck my name out of the Buttery Book, I do protest against your Proceedings as illegal, unjust, and null, and do appeal to our Sovereign Lord the King in his Courts of Justice.' Upon which there was a great hum, which put the Commissioners out of all patience, who had before treated us with all imaginable candour and gentleness, saying that they would never suffer the King's authority to be thus affronted, and ordered the guilty persons to be apprehended, but the crowd being great, and the noise coming from behind, no one could be discovered. The Chief Justice Wright saying that he would defend the King's authority while he had blood in his body, and then telling Dr. Hough that he was the cause of this rude behaviour by his popular Protest, which he might have made in the morning,—that he had broken the King's peace,—that now he had brought in the Civil power over us,—that if need were he would use the Military,—that he would make him answer this affront done to the King's Authority in the King's-Bench-Court, and therefore would require securities for his appearance there the following term; and for his good behaviour. Mr. H. Clerke of Eyfley (Iffley) and Mr. Holden, Fellow of the College, were bound in £500 each, and himself in £1000. All the Fellows disowned the great rudeness, and proferred their Oaths upon it.

Then a Letter was showed to Dr. Pudsey, written by him in the name of the Society in August, being an answer to a Letter of the Earl of Sunderland about the King's Mandate for the admission of the Bishop of Oxford as President, which he owned, and all who were then present at the writing of it,—that the President's Place was full, and that they could not admit any other, further adding that they could not depart from that Letter.

The Court then adjourned till Tuesday morning, saying that they would give us time till then to consider, and that if upon better advice and deliberation the Fellows would retract, they would not surprize them.

(*Cobbett*, col. 62.)

168.

1687, Oct. 22. The Lords Commissioners sent the following Letter to the Lord President.

My Lord,

By his Majesty's Messenger we have sent your Lordship a particular account[1] of our Proceedings, to which we humbly refer, in which your Lordship will perceive the Temper of that Society. My Lord, we hope that your Lordship will easily believe that we are not unwilling to do anything which may vindicate the King's Honour and Authority, but we humbly desire to be well advised by your Lordship on the methods of

[1] See No. 169.

not appearing in person, having no power as we humbly conceive, either it, for we are now a little at a stop by reason of the Bishop of Oxford's by the King's Mandate, or by our Commission, to admit him by Proxy, His Majesty's Letter Mandatory for the same being directed to the College, who all, but two or three, do as yet refuse it. We therefore humbly pray your Lordship to despatch his Majesty's Mandate directed to us to admit the Bishop or his Proxy, or that you would be pleased to give us some other directions, such as your Lordship in your great wisdom shall judge more expedient. We do crave leave also to intimate to your Lordship that it is our humble opinion, that we cannot proceed any further than Expulsion against Dr. Hough (which your Lordship will find already done) according to the Power we have by the Commission, and we humbly pray your Lordship's Pardon and further commands, which shall be readily obeyed by his Majesty's most dutiful Subjects, and your Lordship's most humble Servants

Tho. Cestriensis.
R. Wright.
Tho. Jenner.

My Lord, since the writing of this Letter, we have reason to believe that we shall have an entire submission from the College on Tuesday, for Dr. Hough since his expulsion hath left the College, and taken lodgings in the Town.

(*Johnston.*)

169.

1687, Oct. 22. The Lords Commissioners send to Court the following account of their proceedings up to Saturday night.

His Majesty's Commissioners for visiting the College of St. Mary Magdalen in Oxford, being yesterday (viz. Thursday 20th of October) come at the time appointed (viz. Friday Oct. 21.) for the President, Fellows, and Scholars thereof to appear, their Lordships took upon them the execution thereof. My Lord Bishop of Chester made a speech to them upon the occasion of the Visitation, and after an adjournment of the same to the afternoon, there then appeared Dr. Hough and several of the Fellows, and most of the Scholars and officers of the College. Dr. Hough objected to the shortness of the time from the notice of the Visitation, and prayed a copy of the Commission and time to consider of it (which was over-ruled by the Court) saying that if he and they could take any advantage from the Commission, he hoped that the King and their Lordships did not intend to bar them of it. And (in his own name and the greatest part of the Fellows) he said that he submitted to the Visitation so far as was consistent with the Laws of the Land, and the Statutes of the College, and no further, and that he could suffer no alteration of the Statutes, neither by the King, nor by any other person. Then the Sentence given the 22d day of June, 1687, against Dr. Hough's Election, and for the removing him from the office of President of the College, was read, and he was asked whether he knew of it being given against him. He replied that he had notice of it, but said that he was no Party to it, and so was advised that it did not in any wise concern him.

The Sentence likewise against Dr. Aldworth and Dr. Fairfax, for suspending them, was read; and the Petition of Dr. Aldworth, Dr. Fairfax, and others, delivered to my Lord President on the tenth of April[1] was also read to them, to which was replied that they had no answer from my Lord President but that 'the King expected to be obeyed,' and they receiving no other Mandate than that for admitting Mr. Farmer they proceeded to elect Mr. Hough.

Then after their Lordships' orders to them to bring in some Books and Papers relating to the Revenues and government of their College, they adjourned to eight of the clock this morning.

Saturday, Oct. 22. Who being met, and such Books brought in, Dr. Hough being called in, the Bishop of Chester told him, 'Doctor, here is a Sentence under Seal before us of the King's Commissioners for visiting the Universities, by which the Election to the Presidentship of Magdalen College is declared null and void, which you heard yesterday read, and of which you confess yourself to have had legal notice before, by it being fixed upon the doors. This sentence and the authority by which it was passed you have contemned, and in contempt thereof have kept possession of the Lodgings, and the office of President to this day to the great contempt and dishonour of the King and his authority. Are you yet willing upon better and second thoughts to submit to the sentence passed by their Lordships against you or not?'

To which he answered that the Decree of the Commissioners is a perfect nullity from beginning to end, as to what relates to him, he having never been cited, nor ever appeared before them, either in his Person or Proxy. Besides the cause itself was never before them, their Lordships never enquiring, nor asking one question concerning the legality or statutableness of the Election, for which reason he is informed that that Decree was of no validity against him according to the methods of the Civil Laws, but if it had any, he was possessed of a Freehold according to the Laws of England and Statutes of the Society, having been elected as unanimously, and with as much formality as any of his Predecessors, Presidents of the said College, and afterwards admitted by the Bishop of Winchester their Visitor, as the Statutes of the College required, and therefore he could not submit to that sentence, because he thought that he could not be deprived of his Freehold, but by course of Law in Westminster Hall, or by being in some way incapacitated according to the Founder's Statutes, which are confirmed by King James the First.

The Second Question put to Dr. Hough was, whether he would deliver up the Keys and Lodgings to the use of the President, who hath the King's Letters Mandatory to be admitted into that office?

To which he answered, that there is not, neither can there be, any President while he lives, and obeys the Laws of the Land, and the Statutes of the Place, and therefore doth not think it reasonable to give up his Right, nor the Keys and his Lodgings, now demanded of him. He takes the Bishop of Winchester to be his ordinary Visitor, and yet he would deny him the Keys, and he looked upon their Lordships commanding it to be a requiring of him to deliver up his office.

[1] See above, No. 20.

He said, that he had appeared before their Lordships as Judges, and that he now addressed himself to them as men of Honour and Gentlemen, and did beseech them to represent him as dutiful to his Majesty to the last degree, as he always will be where his conscience permits to the last moment of his life, and when he is dispossest here he hopes that they will intercede, that he may no longer lie under his Majesty's displeasure, or be frowned upon by his Prince, which would be the greatest affliction that could befal him in this world.

Then their Lordships admonished him three times to depart peaceably from the President's Lodgings, and to act no more as President or pretended President of the College in contempt of the King and his authority, which he refusing to do, Mr. Lee, Proctor to the Lords, accused his contumacy, and prayed the Judgement of the Court, which was thus pronounced :—The Lords Commissioners for Ecclesiastical Causes, and for visiting the Universities have decreed the President's Place of this College to be null and void, therefore we by the authority to us committed do order and command you Dr. Hough forthwith to quit all pretensions to the said office. Upon which they ordered his name to be struck out of the Buttery Book, which was accordingly done,—and they admonished the Fellows, and other members of the Society, no longer to own him as their President.

Then the King's Mandate for admitting the Bishop of Oxford was read, and they were then ordered to withdraw, and being soon after called in again the Question was put to the Fellows singly, one by one, whether they would admit the Bishop of Oxford as their President according to the King's Mandate. Dr. Pudsey said that he would submit to the King, and would be by, but could not act, being Bursar. Dr. Thomas Smith replied, 'My Lords Commissioners, if it be the King's pleasure to make the Bishop of Oxford President of this College, and your Lordships acting by that authority have declared and made him such, I do, because I must, submit. I make no opposition.' Mr. Charnock said that he was ready to obey the King's Mandate. All the rest of the Fellows refused to receive him as President, as being against their Statutes and Oaths, and that which would make them guilty of perjury. All whose verbal answers were taken in writing by the Commissioners, and their Lordships after some time said, 'if you think that we have not taken the answers right, put them in writing yourselves against the afternoon,' to which time they adjourned the Court.

The Court being seated in the afternoon, Dr. Hough appeared with a great rabble of followers, and after a short time said, 'Whereas your Lordships this morning have been pleased, pursuant to the former Decree of the Lords Commissioners, to deprive me of my Place of President of this College, and to strike my name out of the Buttery Book, I do hereby protest against the said Proceedings, and against all that you have done, or hereafter shall do, in prejudice of me and my right, as illegal, unjust, and null, and I do hereby appeal to our Sovereign Lord the King in his Courts of Justice.'

Upon which there was a tumultuous Hum in the Room, which the Lords Commissioners resented very much, and said that they would never suffer the King's authority to be so affronted. My Lord Chief Justice

said that he would defend the King's authority while he had blood in his body, and told Dr. Hough that he was the occasion of this Mis-behaviour by his popular Protestation, which he might have made in the morning,—that he had broken the King's Peace, and that now they had brought in the Civil Power over them, and that if need were they would use the Military:—that he must answer that affront of the King's authority in the King's Bench Court. Upon which he was bound in a thousand pounds Bond, and his sureties in five hundred pounds apiece.

Then the Bishop of Chester gave the Doctor an answer to his appeal. 'Doctor, we look upon the appeal as to the matter and manner of it as unreasonable, and not to be admitted by us: First, because it is in a Visitation in which no appeal is allowable. Secondly, because our Visitation is by commission under the broad Seal of England, which is the Supreme Authority, therefore we over-rule this Protestation and appeal, and admonish you once for all to avoid the College, and obey the sentence.' The Doctor and Fellows declared their grief for the disorder of the crowd, and disclaimed their having any hand in it.

After which Dr. Pudsey's Letter to the Lord President being read, their Lordships asked the Fellows concerning the King's verbal command to them at Oxford, to which they said that it was to *elect* the Bishop of Oxford, which they could not. Then being asked why they did not *admit* him, which was all that the King's Letter required, and to which the verbal command referred, eight of the Fellows[1] said they were not there, and thirteen[2] owned that they were, and gave consent to the Letter.

(*Johnston.*)

Mr. John Gilman said that 'the Statutes of the College, to which I am positively sworn, are the only rule of my actions and obedience in this, and all other cases of the like nature, and I conceive that the Bishop of Oxford has not those statutable qualifications, which are required, therefore I cannot assist at the admission of the Bishop of Oxford.'

(*Johnston.*)

170.

1687, Oct. 22. Continuation of Bishop Cartwright's Diary.

Afternoon; Dr. Pudsey's Letter, 28th August, 1687, was read, which the Doctor owned, and the Fellows their consent to it. We asked them concerning the King's verbal command to them at Oxford, which they said was to *elect* the Bishop, which they could not. We asked them why they did not admit him, which was all that the King's Letter required, to which his verbal command referred. Dr. (Thomas) Smith, Dr. Bayley, Dr. Hawles, Mr. Bagshaw, Hicks, Harwar, Cradock, and Charnock, said they were not there. Dr. Stafford, Mr. Almont, Rogers, Dobson, James Bayley, Davys, Bateman, Hunt, Gilman, Penneston, Holden, and Weelks, said they were.

Dr. Hough came in with a great crowd of followers, and said, 'Whereas your Lordships this morning have been pleased, pursuant to the former Decree of the Lords Commissioners, to deprive me of the place of President of this College, and to strike my name out of the Buttery Book;—I

[1] See below, No. 170. [2] Ibid.

do hereby protest against the said proceedings, and against all that you have done, or hereafter shall do, in prejudice of me and my right, as illegal, unjust, and null, and I do hereby appeal to our Sovereign Lord the King in his Courts of Justice.'—Upon which the Rabble hummed, and Dr. Hough was accused by my Lord Chief Justice of bringing them in; upon which he required the peace of him, to which he was bound in £1000 bond, and his two sureties in £500 each; and I gave the Doctor this answer:—Doctor, we look upon your appeal, as to the matter and manner of it, to be unreasonable, not admissible, and not to be admitted by us. 1st. Because it is in a Visitation when no appeal is allowable. 2dly. Because our Visitation is by Commission, under the broad Seal of England, which is the Supreme Authority, and therefore we overrule this your protestation and appeal, and admonish you once for all to avoid the College, and obey the sentence.

The Doctor and Fellows declared their grief for the disorder of the crowd, and disclaimed having any hand in it. Mr. Tucker read the Paper, 4th Sept., attested by a Public Notary, and delivered to the King, and the Fellows acknowledged it to be theirs; after which we adjourned till Tuesday at eight in the morning.

The Vice-Chancellor (Gilbert Ironside, Warden of Wadham College) the Warden of New College (Dr. Henry Beeston), and others, came to visit us in the evening, and the Bishop of Man (Baptist Levinz) from the College, to beseech us not to animadvert upon the libel or the humming, but to accept their acknowledgements of the just respects which they professed to owe us for our candour towards them: after which we sent a messenger with an account of what we had done to the King, and a Letter to Lord Sunderland, and the Lord Chancellor.

(Sunday, Oct. 23.)

Having had prayers in our Lodgings, we went to Sermon at Christ Church, where Dr. Smith preached: from whence we returned to dinner, and with us the officers, Mr. Chetwin, Mr. Brown, and our Landlord and Landlady. After which we went to St. Mary's to Church, where the Preacher, Mr. Entwisle of Brasenose, made reflexions on some Bishops, of whom the Papists had hopes, but that they must destroy them all before they could do their business. After which we visited the Master of Brasenose (John Meare), the Proctor (Thomas Bennet) the Warden of All Souls (Leopold William Finch) and Mr. Clarke, where the Warden of New College (Henry Beeston) came to us, and we supped with the Bishop of Sodor and Man (Baptist Levinz) where the Provost of Queens (Timothy Hatton), and the Warden of All Souls met us, and we staid till eight at night. I received the Bishop of Oxford's Letter, and answered it.

171.

1687, Oct. 23. Letter from Bishop Cartwright to the Bishop of Oxford.

My Lord, your Lordship's third Letter found me at Supper with my Lord Bishop of Man, where I was forced to stay till the victuals were taken off to answer it. When the two former came to me I could not

gain leisure to write my name, the King's business and yours obstructing me. I am sorry for your confinement both for your sake and my own, for I am sure that it will keep me here the longer, and if your Physicians will not grant it, my Lord Chief Justice is here, and will send you a *Habeas Corpus* to bring you to the King's Table any day this week.

The Demurrer of his Majesty's installing you by Proxy is because the Mandate is not directed to us but to the College, who all but two refuse it, and therefore we thought fit to send up a messenger last night to give an account of what was passed, and to request a Mandate to install your Proxy, by which you will find that I did not forget you, and though I could not answer your Letters, yet your expectations I will on Tuesday, whether the Messenger return or not. The scruple was not made, nor countenanced, by me: but when we have done you justice, and vindicated the King's honour and authority, I shall show my face at Cudsden, and pay my respects to yourself, and my good sister, who is your best Physician, if you would follow her Prescriptions. In the mean time pray make use of my Brother of the Brush, and my sister, and yourself, or pretend no kindness to your affectionate Brother

Tho. Cestriensis.

(*Impartial Relation.*)

172.

1687, Sunday, Oct. 23. Continuation of Baron Jenner's Diary.

'Went to prayers at our own lodgings, and thence to Christ Church, to Church, where the Heads in Scarlet; and dined at home. Mr. Browne and others dined with us.—Then went home for ½ hour. Thence to St. Mary's, where one Mr. Entwisle of B.N.C. preached about ordination. From thence we went to Brasenose to the Principal's there. Thence to University College, to the Proctor there. Thence to Mr. Holloway's. Thence to All Souls to Mr. Finch the Warden there[1]. Thence to my Lord of Man's, where supped, where received a Letter from my son of all being well at home, but of the Princess's miscarriage. The Bishop used me not well at my Lord of Man's, whereupon I came home on foot, i.e. he slighted me much.

173.

1687, Oct. 23. Lord Sunderland's answer to the communication of the Commissioners written on the preceding day.

My Lords, I have received your Lordships of the 22d with the account of your Proceedings, which his Majesty is well satisfied with. I herewith send you such an order for admitting the Bishop of Oxford as you desired; and I am directed by his Majesty to acquaint you that if the Fellows of the College can be brought to submit to the admission of the Bishop as their President, his Majesty is graciously pleased that no punishment should upon that account be inflicted by you upon such as do submit, but if any of them be refractory you are to proceed against them according to the Commission, and his Majesty would have you also to

[1] 'Dr. Finch, son of the Earl of Winchilsea, Warden of All Souls, was afterwards sent to the Prince of Orange by some of the Heads of the Colleges to invite him to come to Oxford.' Burnet.

inspect the Constitutions, Orders, and Statutes of the College, and to enquire into the behaviours of the members thereof, and what abuses may have been committed, either by misapplying their Revenues, or other misdoings, a particular account of which together with the names of the offenders, you are to transmit up to his Majesty, that he may give such further order, as shall be requisite in the matter.

I am, my Lords, your Lordships' most humble Servant,

Sunderland P.

Whitehall, Oct. 23, 1687. (*Johnston*).

174.

1687, Oct. 23. The King's Mandate to the Commissioners for admitting the Bishop of Oxford President.

James R. Right Reverend Father in God, Right Trusty and well beloved, and Trusty and well-beloved, we greet you well. Whereas we did by our Letters, bearing date the fourteenth day of August last, authorize and require the Fellows of S^t^. Mary Magdalen College in our University of Oxford, to admit the Right Reverend Father in God, Samuel, Lord Bishop of Oxford, into the Place of President of the said College, with all the Rights, Privileges, Emoluments, and Advantages thereunto belonging, any Statute or Statutes, Custom or Constitution to the contrary in any wise notwithstanding, wherewith we did dispense in his behalf: and whereas the Fellows of the said College not obeying our said Letters Mandatory, we thought it requisite to empower you to visit the said College, and all the members thereof: Our Will and Pleasure is, and we do hereby authorize and require you, that in case the said Fellows do still persist in refusing to admit the said Bishop of Oxford as their President: you do forthwith admit him if present, or in case of his absence by his Proxy, into the Place of President of the said College, any Statute or Statutes, Customs or Constitutions to the contrary in any wise notwithstanding, with which we do by these presents dispence. And for so doing this shall be a sufficient Warrant and Authority to you and all other persons whom it may concern, and so we bid you heartily farewell. Given at our Court at Whitehall the 23^d^ of October, 1687, in the 3^d^ year of our Reign. By his Majesty's Command. Sunderland P.

(*Superscribed*:—To the Right Reverend Father in God, Thomas Lord Bishop of Chester; our right Trusty and well beloved Sir Robert Wright K^t^. Chief Justice of the Pleas before us to be holden assigned; our trusty and well beloved Sir Thomas Jenner K^t^. one of the Barons of our Court of Exchequer, our Commissioners for the Visitation of S^t^. Mary Magdalen College in our University of Oxford.

(*Johnston.*)

175.

1687, Oct. 24. Continuation of Bishop Cartwright's Diary.

I wrote to the Chancellor of Chester not to publish the suspension against the Dean[1], till further orders from me, according to the Dean's desire, by letter. There dined with us M^r^. Holloway, our Landlady, two

[1] John Ardeene or Arden, Dean 1682–1691. He had evaded reading the King's Declaration.

more; after which I went to Cuddesden to visit the Bishop of Oxford. Dr. Hough gave us a visit at our return, and then we went to the Vice-Chancellor's, from whence at our return we met with Mr. Charnock, and I received a nameless letter to caution us in the business of Magdalen College: and the Vice-Chancellor published a diploma against humming &c., occasioned by Saturday's miscarriage in Magdalen College. The Earl of Lichfield sent us a brace of does. I went to Cuddesden.

176.

1687, Oct. 24. Upon complaint made by the Lords Commissioners of the Humming above mentioned the Vice-Chancellor issued the following proclamation.

Quum nihil minus deceat viros ingenuos, nedum academicos ad optima enutritos, quam morum ineligantia, et rusticitas, quam absonum videri debeat adventantes strepitu et sibilis excipere, et pro cœtu Philosophorum turbam morionum peregrinis ostentare!

Quocirca dolemus hac in parte peccatum esse in viros illustres, et admodum Reverendos, et, quod omnium gravissimum est, Regiâ insuper auctoritate munitos; speramusque hoc indecentiæ, vel potius contumeliæ, aut saltem maximam partem ab inpunitis hominibus, et de plebis fæcula natis, omnino provenisse; monemusque omnes, quotquot sunt scholares, ut ab omnibus illiberalibus dicteriis, sannis, pedum supplosione, male feriatorum et turbinum cachinno, screatu, clamore, et murmure ἀπροσδιονύσῳ penitus abstineant.

Si quis verò in posterum in aliquibus istiusmodi deliquerit, sciat se non mediocres temeritatis et insolentiæ suæ pœnas luiturum.

Gilb. Ironside, Vice-Cancellarius.

(*Johnston.*)

177.

1687, Oct. 24. Continuation of Baron Jenner's Diary.

Spent the morning perusing the Statutes, and other papers, abstracting, and discoursing about my robes' miscarriage, then the packet came, which raised my before-dull spirits. Then my Lord Chief Justice came in at prayers, and I had some words with the Bishop about differing in opinion with him about the proceedings at the College upon my Lord Sunderland's Letter. Went to dinner.—Mr. Brookes etc. dined with us etc. After dinner my Lord Bishop went to the Bishop of Oxford. I came home, had my nap, then went and saw Mrs. Holloway, then to my Lord Chief Justice, where Dr. Hough was, with whom had much discourse after the Bishop came; thence we went to Mr. Vice-Chancellor's House,—home to sup, and so to bed.

178.

1687, Oct. 25. Protest of the College.

When the Court met Dr. Stafford offered a Paper in answer to what was objected on Friday, that a Mandate implied an Inhibition, which

their Lordships having perused would not suffer to be read publickly, but asked the Fellows whether they would sign it, bidding them to do it at their Peril.

Then the Fellows had leave to withdraw into the Hall, and not being satisfied that it was necessary to sign a Plea, which their Lordships refused to have argued, they returned the Paper into the Court, subscribed only by Dr. Fairfax and Dr. Stafford. The latter after some debate desired to withdraw, but Dr. Fairfax stood to it.

The Paper was subscribed 'To the Right Reverend and Right Honourable His Majesty's Commissioners for the Visitation of St. Mary Magdalen College in Oxford.'

May it please your Lordships. On Friday last, in the afternoon you seemed to insist very much on this, viz. that his Majesty in commanding the Fellows of the said College to elect Mr. Farmer President, did thereby inhibit them to elect any other person whatsoever, which has not yet been made appear to be Law, either out of the Books of Civil, Canon, or Common Law. Neither is it agreeable to reason that a command to elect a Person incapable, should include in it an obligation not to elect a person capable, that being a kind of contradiction *in terminis*. Yet this being granted, it cannot in the least affect the said Fellows, or invalidate their election of Dr. Hough, notwithstanding his Majesty's mandate on behalf of Mr. Farmer, who being incapable of the Place, the Fellows cannot be said to be guilty of any disobedience or disloyalty, in proceeding to the election of another person, who was qualified according to Statute, being forced to make an election, for they are obliged by the Statutes of their College, when called together, to elect a President, or any officer, under pain of perpetual expulsion from the College, which punishment they incur *ipso facto*, who either refuse to meet when so called, or being met, refuse to nominate or elect a person into the office void, as appears by the Statutes of the said College, *titulo de numero Scholarium et electione Præsidentis*. Now according to the Founder's direction in the said Statute on the fifteenth of April last the Fellows were called together by the Vice-President to elect a President in the place of Dr. Clerke deceased, and the Oath, desired to be taken before the election, was administered by the Vice-President to them, whereby they are obliged to nominate and elect a Person, that either is, or has been, Fellow of Magdalen College or New College in Oxford, which Oath when the Fellows had taken, it was not in their power to elect Mr. Farmer, and yet they were then obliged to make an election under pain of perpetual amotion from the College, as appears by the fore-cited Statute. And it cannot be imagined that his most sacred Majesty did expect that the Fellows should be either perjured, or forfeit their right to their Fellowships, rather than disobey his command, his Majesty having most graciously declared that conscience ought not to be forced, and that none of his subjects should be molested in the enjoyment of their Rights and Privileges, etc. Now that our Proceedings at the election cannot lay an imputation of our disobedience or disloyalty upon us, will thus be made appear. Either we had the power to elect a President, or we had not: if we had not, to what end or purpose did his Majesty command us to elect one? if we had, our Power was either restrained to persons so

and so qualified, or we were at liberty to choose whom we pleased, but we could not do the latter, as appears by our Statutes, and therefore we could not elect Mr. Farmer, not being invested with any power to elect a person unqualified. And if we had so done, our Election would have been null and void in itself, and the Person elected liable to be turned out by our Visitor.

As for the Decree of his Majesty's Commissioners, in pursuance of which your Lordships have admonished Dr. Hough to recede from the Place of President, and quietly to resign the keys of his office, and have struck his name out of the College Book, we humbly conceive it to be null and void in itself to all intents and purposes, Dr. Hough being thereby deprived of Freehold for Life, of which he was duly and legally possest, without ever being called to defend his right, or any misdemeanour objected against him. Wherefore we humbly beg leave of your Lordships that Dr. Hough may be permitted to defend his Right and Title to the Presidentship at Common Law, before any other person is put in possession of the Place.

Thomas Stafford.
Henry Fairfax. (*Impartial Relation.*)

179.

1687, Oct. 25. Continuation of Baron Jenner's Diary.

Agreed upon our Proceedings:—then went and installed Mr. Wickens, the Bishop's Proxy in Chapel, who took the President's Oath after he was put into the stall by Leigh the Proctor with the form of words:—then we went to the Lodgings, but none would open:—then went back to the Common Room, not being able to find the keys:—at last went ourselves and having got a smith we broke it open, and then we viewed the Lodgings, and left the Proxy in possession, having taken a view of the Lodgings:—so home, having before given the Fellows and Society a question to answer against the afternoon.

The Bishop of Oxford's Lady and Mrs. Holloway with the Vice-Chancellor etc. dined with us. Went at three, and after some discourse with the Fellows, all unanimously gave us an answer satisfactorily, but Fairfax, who for that and other things we expelled, and removed from his Fellowship. So came home, and wrote an express to London: and then went to New College, where we sat awhile with Dr. Beeston, the Warden there, a very good man, and who knew Charles (the First):—and so home to sup, and then to bed, well satisfied with this day's work.

180.

1687, Oct. 25. Installation of the Bishop of Oxford by Proxy.

Bishop Cartwright to the Fellows. Will you install the Bishop of Oxford President, or assist at the Installing of him?

The Fellows. My Lord, to this we answer, as we did on Saturday to the Question of his Admission; without premeditated perjury we cannot do it. It is not in our power to do it.

Then Mr. Wiggins, Chaplain to the Bishop of Oxford, was called in, who delivered the following Paper, empowering him as Proxy to be installed President for his Lord. (*Impartial Relation.*)

Omnibus ad quos hoc præsens Scriptum prervenerit salutem. Ego Samuel permissione Divinâ Oxon: Episcopus, et Præses Collegii Magdalenensis infra Universitatem Oxon: situati, vigore literarum mandatoriarum Domini Regis constitutus: dilectum mihi in Christo Gulielmum Wickins in Artibus Magistrum, Clericum et Sacellanum meum, ut vice et nomine meo ad officium Præsidentis Collegii Prædicti unâ cum membris, juribus, et pertinentiis eidem spectantibus universis admittatur: necnon ad juramenta solita, et requisita, in animam meam præstanda, ceteraque omnia facienda et exequenda in eâ parte requisita, Procuratorem et Deputatum meum (ipse valetudine impeditus quo minus prædictæ admissione personaliter interesse valeam) firmiter constituo per præsentes datas et sigillatas vicesimo primo die mensis Octobris, anno tertio Regni Jacobi secundi Angliæ, Scotiæ, Franciæ, et Hiberniæ Regis, Fidei Defensoris, annoque Domini, 1687.

In præsentiâ (The Bishop of Oxford's Seal is in the margin.
W. Bigges. Subsigned, Sa. Oxon.)
Ric. Brooks.
Georgii Cholwill. (*Johnston.*)

181.

The same.

Which being read together with the King's mandate for the Bishop of Oxford the Question was put to two or three of the Seniors, whether they would assist at the Installment? which they refusing, the Court adjourned to the Chapel, where the Bishop of Chester put Mr. Wiggins into the President's Stall, none of the Fellows being present but Mr. Chernock, where he took the Oaths, which the Statutes enjoin the President to take at his admission, and the Oath of Allegiance and Supremacy, the latter of which he was ordered to take upon his knees, which he accordingly did in these words:—

Ego Gulielmus Wiggins in Cur. Reverendi in Christo Patris Sam. Oxon. Episcopi Coll. B. M. Magd. Oxon. virtute Literarum Mandatoriorum a Rege Missarum Pres. Constituto juro, etc.

All the Oaths he took as well Latin as English began with this form. (*Impartial Relation.*)

182.

1687, Oct. 25. Proceedings of the Commissioners.

Then their Lordships conducted him to the door of the President's Lodgings, where knocking three times, and the door not being opened, they returned to the Common Room, and commissioned Atterbury the Tipstaff to fetch a Smith to force them open.

Then Dr. Fairfax offering to speak was not suffered, the Bishop of Chester saying nothing could be done till they had taken care of the Lodgings: Gentlemen, do you know who have got any keys of the Lodgings?

The Fellows. None but Dr. Hough's own Servants.

Tipstaff. Dr. Hough's Servants. Are any of Dr. Hough's Servants here?

Bishop C. Then you have no keys, if you had the keys: and laid them down here upon the Table, you would not at all prejudice Dr. Hough (for we must have them opened), and Dr. Hough would never have the less advantage of the Law. You have none, have you?

The Fellows. No, my Lord, when we go into the Tower, we cannot go into it without the President, because we must go through his Lodgings, and we have no key.

Bishop C. Well, we must have them opened, but we would do it with all the quietness and civility we could.

Tipstaff. My Lord, I had got a Smith, and he came down the cloisters as far as almost hither. I did but turn my back, when he ran out as fast as he could at the back Gate, my Lord.

Then the Bishop of Chester gave orders for another Smith, who being brought, their Lordships went with him, and commanded him to force them open, which he accordingly did, none of the Fellows being present, or assisting, but Mr. Chernock only, the Bishop of Chester saying, See that none come in but ourselves.

Then they went and gave Mr. Wiggins Possession of the Lodgings, where he, Mr. Chernock, and Mr. Haslewood (one of the Chaplains) dined.

The Commissioners being returned to the Common Room:—

Bishop C. Gentlemen, I must ask you some questions, how many Fellows have you in the College?

The Fellows. My Lord, we have forty belonging to our Foundation, but only thirty-seven on our Buttery-Book, for Dr. Hough's and Mr. Ludford's place are void, one Fellow is distracted, and not written constantly, but only reckoned a Fellow at the General Audit.

Bishop C. How many Demies have you?

The Fellows. We have thirty, but there are but twenty-nine mentioned in the Book, Mr. Holden being Probationer.

Bishop C. Have you a Statute Book in any convenient Place, where all that are concerned may have recourse to it?

The Fellows. We have three copies of our Statutes, whereof the President keeps one, the Vice-President another, and the Senior Dean a third; to any of these the Fellows may have recourse upon occasion.

Bishop C. What Benefactions have been given to the College? particularly what Benefactions for the entertainment of Strangers? how hath it been employed? I must tell you, Gentlemen, the matter of this Question is one of the greatest objections against you. His Majesty hath been informed that you have misemployed what was designed for this use, and it will much concern you to give a satisfactory answer to this Question.

Dr. Bayley. My Lord, we have an old tradition of some such things,

but I do not know of any of our writings that gives any light into this matter, but seeing that your Lordship urges it so much, we desire time to consult our Register and other Papers.

Bishop C. We will give you till tomorrow.

D^r. Fairfax. I desire your Lordships to hear me a few words.

Bishop. C. Aye, anything you will.

D^r. Fairfax. Your Lordships may remember that on Saturday last, when you were pleased to closet me in this Room, I then read a Paper to your Lordships, of which, not then having a duplicate, I forbore to deliver it in, therefore I humbly beg your Lordships will be pleased now to hear it, and receive it into Court.

Bishop C. We know the substance of it. You may deliver it in.

D^r. Fairfax. But there was no company in the Court, and I would willingly have some witnesses to it. Therefore I pray it may be read.

Lord Chief Justice. It is the same, Doctor, if we receive it in, your Plea is the same.

D^r. Fairfax. My Lords, your Lordships have been doing what I can by no means consent to.

Bishop C. You are big to be delivered of your own Destruction. Will you submit to the Bishop of Oxford, as now installed President, by virtue of the King's Mandate, and obey him *in licitis et honestis?* D^r. Fairfax, what answer do you make?

D^r. Fairfax. I think myself bound to admit of no other President.

Bishop C. We must admit of no speeches here.

After some dispute, D^r. Fairfax gave in his answer thus. 'I neither can nor will obey the Bishop of Oxford, for I have a lawful and statutable President already.'

Bishop C. Will you, Sir?

D^r. Pudsey. I shall obey the Bishop of Oxford, when I see him in lawful possession of the Lodgings.

Bishop C. Will *you*, Sir?

D^r. Thomas Smith. I shall obey the Bishop of Oxford *in omnibus licitis et honestis.*

Bishop C. Will *you*, Sir?

D^r. Bayley. This is a weighty Question, and ought to be considered of, and therefore I desire some time to give in my answer.

Bishop C. Yes, Doctor, you shall have time, and so shall all the rest, for you see the Question itself was deliberately worded, and therefore it is but reasonable that you should have time to consider of an answer; but I would have you take the explication along with you, that we do not hereby intend that you should own the Bishop of Oxford's Title. No, for you may still do D^r. Hough all the service you can, neither will it prejudice his Title at all, but you only submit to the present Possessor, till the Right is clearly determined, and on that you submit to his Majesty's authority, who hath constituted the Bishop of Oxford his Lieutenant, to govern the subjects of this College.

Baron Jenner. There is a known case in the Law, to this Purpose A Lord of a Manor may have an unlawful possession of an Estate, ye if the Tenants refuse to swear Homage to him, they forfeit all the privilege they have in that Manor.

Bishop C. Gentlemen, go and consult among yourselves, and acquaint the members of the College with the Question proposed, that so we may have every one of your Answers by three o'clock in the Afternoon.

(*Impartial Relation.*)

183.

1687, Oct. 25. Continuation of Bishop Cartwright's Diary.

We met at Magdalen, called over the Fellows etc., read the Proxy for the instalment of Mr. Wickens, and then said:—By virtue of the King's Commission to us directed, we do order and decree the Right Reverend Father in God, Samuel, Lord Bishop of Oxford, to be installed by his Proxy, Mr. Wickens, in the President's Stall in the Chapel of the College forthwith, and the Chapel doors to be opened for that purpose. Which we saw effectually done by Mr. Leigh, who tendered him the Oaths of President, Allegiance, and Supremacy; which having done we returned to *the Common Room*, where having called in the Fellows etc., Dr. Stafford gave me a Paper in behalf of himself and the Fellows, but subscribed by none but himself and Dr. Fairfax, of which having told him the danger, he humbly desired to withdraw it, to which we consented. We then propounded to them this question; Will you submit to the Bishop of Oxford now installed your President by the King's Mandate *in licitis et honestis?* And they desired till the afternoon to consult together, and to give in their answers *in scriptis*, which was granted them, and then we sent for a smith, and broke open the outer door of the President's Lodgings, in the first room of which we found all the keys, and left Mr. Wickens in quiet possession, and so adjourned. The Bishop's Lady, Judge Holloway's daughter, and many of the officers dined with us.

[End of Bishop Cartwright's Diary.]

184.

1687, Oct. 25. Continuation of Dr. Thomas Smith's Diary.

The Lord Chief Justice had in a former meeting given it for Law, that the King's Mandate for another had in it the force of an inhibition (which was the clear judgement of Mr. Aylworth, Chancellor of the Diocese of Oxford, in a discourse upon this point in my chamber not long before). Dr. Stafford offered a paper by way of answer, which only he and Dr. Fairfax subscribed, all the rest of the Fellows, who withdrew into the Hall to consider of it, and subscribe it if they thought fit, by the order of the Commissioners, refusing to put their names to it. Afterwards Dr. Stafford, being made sensible of the dangerous consequences of that Paper, desired that he might withdraw it, which the Court at last granted, though not without some difficulty, Dr. Hedges, the King's Advocate, interposing.

Soon after the Bishop of Oxford's Proxy was read, and the King's Letters Mandatory to the Visitors for his admission into the Presidentship. The first (Bishop C.) asked Dr. Pudsey whether he would install the Bishop of Oxford President by Proxy, his Chaplain, Mr. Wickins, appearing for

him; he said that he would not engage in it. I being the next senior then present, the Bishop of Chester asked me the same question. I read my answer which I had put down in my almanack just before, and which I held in my hand easily forseeing what the Commissioners aimed at, by their foregoing procedure, that it might not be mistaken, or misreported, and it was word for word this:—

My Lords Commissioners, I own from my heart and acknowledge the King's Supremacy. I do now, and always will, pay all dutiful and humble obedience to his Majesty's authority, and this out of a principle of conscience and loyalty, as becomes a Priest of the Catholic and Apostolic Church of England established by law. I have made no exception to the legality of your Lordship's Commission, nor to the exercise of it in this present Visitation. I am ready and willing to obey *in licitis et honestis* the President, whom the King has been pleased to constitute President, whenever he shall come and reside in the College.

Dr. Bayley desired time till the afternoon, and so did the rest to give in their answers, which the Court readily allowed, and so adjourned.

Then the Commissioners went themselves to the door of the Lodgings, and having a smith with them forced it open, entered, and gave Mr. Wickins possession for the Bishop of Oxford, and from thence went to their respective Lodgings.

(*Cobbett*, col. 63.)

185.

1687, Oct. 25. Proceedings of the Commissioners.

Tuesday Morning. Dr. Stafford read his Paper in answer to what was objected on Friday, that a Mandate implied an Inhibition, which the Lordships having perused would not allow to be read publickly but they asked the Fellows whether they would sign it, challenging them to do it at their peril. Then the Fellows withdrew into the Hall, where being not satisfied that it was necessary to sign a Plea, which their Lordships refused to admit, they returned the Paper into the Court, only subscribed by Dr. Fairfax, and Dr. Stafford, the latter after some debate desiring to withdraw, Dr. Fairfax stood to it.

Then Mr. Wickins, Procurator and Chaplain to the Bishop of Oxford was called, who delivered the Proxy, after which was read the King's Mandate. Then the Fellows being present were asked, if they would admit and install the Bishop of Oxford made President by the King, and declared such by their Lordships. Dr. Pudsey being first asked the question refused to act, but seemed to yield to be present.

Dr. Thomas Smith, being asked the same Question by the Bishop of Chester, read the following answer:—My Lords Commissioners, I answer with all humble and dutiful submission to the King's Majesty's authority, and your Lordship's Visitatorial Power, that it is not in my power to do this. Your Lordships, who have deprived Dr. Hough, and have declared the Bishop of Oxford President, may install him. This method being altogether new and extraordinary, I cannot be satisfied how I can or ought to be the Executioner of your Lordships Sentence. Besides I beg leave to propose a short case to your Lordships, whether or no I can install or give possession without being empowered, and authorized by a

Rule out of the High Court of Chancery, or King's Bench, for my security, if there were nothing of conscience in the Case.

To this the Lord Justice replied to this purpose, that as they were his Majesty's Commissioners for this Visitation, they had the King's power of Chancery and Common Law.

Then the Lords adjourned to the Chapel, where the Bishop of Chester put Mr. Wiggins into the President's Seat, where he took the Oaths, which the Statutes enjoin to the President at his admission, and the oath of allegiance and Supremacy, the latter of which the Bishop of Chester ordered him to take upon his knees, which he did accordingly: then their Lordships conducted him to the door of the President's Lodgings, where knocking thrice, and the doors not being opened, they returned to the Common Room, and commanded Mr. Atterbury to fetch a Smith to break open the door, which was done accordingly, their Lordships being present all the while, and none of the Fellows but Mr. Charnock assisting, or being as much as present at either of the performances.

Then their Lordships being returned to the Common Room, they entered the Bishop's name in the Buttery-Book. The Lords having asked the Fellows if they would now submit to the Bishop of Oxford as their President, they desired time, and their Lordships gave them till the afternoon to consider of it; and the Court ordered them to give in an account of what gifts, or Provisions, were made by the Statutes for poor travellers etc. tomorrow morning. Then the Lords demanded of them if they had elected or admitted any members since the King's Inhibition, to which they replied, that they had admitted none but Mr. Holden, who was Fellow elect before, and his year of Probationship expired, and if he had not then been admitted he must have stood expelled by their Statutes. They then adjourned till two in the afternoon.

(*Johnston.*)

186.

1687, Oct. 25. Submission to the new President.

Tuesday afternoon. The Fellows being called in, the Question was again put to them, whether they would submit to the Bishop of Oxford as their President, to which they gave in an answer in writing, as follows:—

Whereas his Majesty has been pleased by his Royal authority to cause the Right Reverend Father in God, Samuel, Lord Bishop of Oxford, to be installed President of this College, we, whose names are hereunto subscribed, do submit so far as is lawful and agreeable to the Statutes of the said College.

Alexander Pudsey.	Francis Bagshaw.
Thomas Bayley.	Joseph Harwar.
Thomas Stafford.	George Hunt.
Charles Hawley.	Thomas Bateman.
Robert Almont.	William Craddock.
Mainwaring Hammond.	John Gilman.
John Rogers.	George Fulham.
Henry Dobson.	Henry Holden.
James Bayley.	Stephen Weelks.
John Davys.	Charles Penyston.

Dr. John Smith gave in a paper written and signed by himself in the same words.

Dr. Thomas Smith gave in his Paper of submission.

The Demies subscribed a Paper in the same form, whose names are:

Thomas Holt, Senior.	Daniel Stacy.
Samuel Cripps.	William Sherwin.
Samuel Jenifar.	John Renton.
Richard Adams.	Maximilian Bush.
Robert Standard.	Benjamin Gardiner.
Richard Vessey.	Thomas Wells.
Charles Goreing.	William Bayley.
John Brabourn.	Thomas Higgons.
George Stonehouse.	John Cross.
Lawrence Hyde.	Thomas Hanson.
George Woodward.	Henry Levet.
Charles Alleyn.	Harington Bagshaw.
William Fulham.	Benjamin Mander.
Richard Watkins.	

The Chaplains subscribed the like, whose names were

Thomas Mander.	Thomas Brown.
Henry Holyoake.	Francis Haslewood.

The Choristers subscribed the like, whose names were

Samuel Broadhurst.	Edward Slack.
Charles Wotton.	William Inns.
Thomas Price.	Miles Stanton.
John Bowyer.	Richard Wood.
Thomas Turner.	Robert Wordsworth.
John Shuttleworth.	Joseph Stubbs.

The Clerks subscribed the like submission, whose names are

Stephen Nicolls.	William Harris.
Charles Morgan.	Thomas Ryaly.
John Smith.	John Russell.
Matthew Lidford.	Thomas Williams.

The Under Porter of the College would give in no Paper of Submission.

The Oxford Relation saith, that to the Submission the Clause was added 'and no way prejudicial to the Right of Dr. Hough.' In the original Paper I found it scored out, and, as the Relation saith, it was yielded to by the Subscribers, because the Lord Chief Justice and Baron Jenner, as Judges, declared that it was insignificant, since nothing they should do could invalidate Dr. Hough's Title, but left them still at liberty to be witnesses for him, or in any other way serviceable to him in the Recovery of his Right, upon which assurance the Society was prevailed with to leave it out.

(*Johnston.*)

187.

1687, Oct. 25. Condemnation of Dr. Fairfax.

The Lords asked Dr. Fairfax if he owned their Jurisdiction, to which h replied that he did not: then he was asked if he would submit to th

Bishop of Oxford as President, which he refused to do. And the Sentence was pronounced against him, that whereas he had denied the authority of the Court, and in contempt of the sentence of suspension given against him by the Lords Commissioners at Whitehall, had taken his Commons and battled in the College as a Fellow of the College, notwithstanding his said suspension, the Court proceeded to deprive him of his Fellowship, and ordered his name to be struck out of the Buttery Book.

The Sentence pronounced against him I find in the Register, though not in this place, in the words following:—

By his Majesty's Commissioners etc.

Whereas in our Visitation of the said College it appeareth unto us that Henry Fairfax, Doctor in Divinity, one of the Fellows of the said College has been guilty of disobedience to his Majesty's commands, and obstinately contemned his Royal authority, and doth still persist in the same, we have thought fit upon mature consideration thereof, to declare, pronounce, and decree, that the said Dr. Henry Fairfax be expelled and deprived of his said Fellowship, and accordingly we do hereby deprive him, and expel him from the same. Given under our seal the 25th day of October, 1687.

Then the Lords issued the following Order. By his Majesty's Commissioners &c.

Whereas we have thought fit to deprive and expell Dr. Henry Fairfax from his Fellowship in the said College, you, and either of you, are hereby required to cause our said Sentence and Decree, a Copy whereof is hereunto annexed, to be affixed on the gate of the said College, to the end that due notice may be taken of the same, and of the due execution hereof you are to certify us. Given under our seal the 25th of October, 1687.

To Thomas Atterbury and Robert Eddows, or either of them.

(*Johnston.*)

188.

1687, Oct. 25. Further Proceedings.

Dr. Fairfax then gave in his Protestation against their Proceedings, which the Court over-ruled, and ordered him to depart and quit his Lodgings in the College in fourteen days. Then the Doctor prevailed with much ado, saith the Oxford Relation, to read the following Protestation, and left it in the Court, which was as followeth:—

I Henry Fairfax, Fellow of St. Mary Magdalen College, do under my former answer heretofore made, and to the Intent it may appear that I have not consented nor agreed to any thing done against me to my prejudice, I protest that this Sentence given here against me is *Lex nulla*, and so far forth as it shall appear to be *aliqua*, I do say that it is *iniqua et injusta*, and that therefore I do from it, as *iniqua* and *injusta*, appeal to our Sovereign Lord the King in his Courts of Justice, as the Laws, Statutes, and Ordinances of this realm will permit in that behalf.

Henry Fairfax.

Then the Lords asked Robert Gardiner, the Under Porter, if he would

submit to the Bishop of Oxford as President of the College, which he refusing to do the Lords deprived him of his office, and adjourned the Court till the next morning.

Mr. John Gilman's Paper I find thus:—That the Statutes of the College, to which I am positively sworn, are the only rule of my actions and obedience, in this and all other cases of the like nature; and I conceive the Bishop of Oxford has not those Statutable qualifications which are required, therefore I cannot assist at the admission of the Bishop of Oxford.

The Submission of Dr. Thomas Smith was as followeth, given in in writing also:—

My Lords, I own from my heart and acknowledge the King's Supremacy. I do now and will always pay dutiful, just, and humble, obedience to his Majesty's authority, as becomes a Priest of the Catholic and Apostolic Church established by Law. I make no exception to the legality of your Lordships' Commission, nor to the exercise of it in this present visitation. I am ready and willing to obey *in licitis et honestis* the President, whom the King has pleased to constitute President, whenever he shall come and preside in the College.

Thomas Smith, D.D.

The Paper given in by Mr. Craddock was as followeth:—

About six years since, when I was made Fellow by the King's permission, I took an oath, that I would not be dispensed with from my local Statutes, by which Statutes and oaths it does not belong to me to admit any man President, besides I conceive that Dr. Hough cannot be legally dispossessed of the Presidentship of Magdalen College, till he has appealed to Westminster, or an Higher Court, and till then I shall not cease my obedience to him.

William Craddock.

(*Johnston.*)

189.

1687, Oct. 25. Report of the Commissioners to the Lord President.

I shall now insert the Lords Commissioners' answer to my Lord President's last Letter, and then proceed in the Narrative.

Oxford, Oct. 25, 1687. My Lord, In obedience to your Lordships of the 23d instant, and the King's Letters Mandatory, we have this day installed the Lord Bishop of Oxford's Proxy, by placing him in the President's Seat in the Chapel, and some while after, Dr. Hough having left the College, and the Keys being denied us, we caused the doors of the Lodgings to be broken up, and gave his Proxy possession thereof.

My Lord, we proceeded to examine the Fellows concerning their submission to the Lord Bishop of Oxford, now their President. Their answers were unanimous *in scriptis* that they would all submit, but Dr. Fairfax, whom for that, and for denying the Jurisdiction of the Court, and contempt of his former sentence of suspension, we have deprived and ejected, and one Robert Gardiner a Porter. All the rest of the College

we left this night in good temper, and the Bishop's servants in quiet possession. We have likéwise looked into the constitutions, orders, and Statutes of the College, and cannot find any of the Society to have offended therein, or in misapplying their revenues. They having given us, as we conceive, a clear answer to the accusation against them for embezzling such a part of it, as was pretended to be set aside for Pilgrims and Poor Travellers, which we will bring up and transmit to your Lordship.

And this we must say, my Lord, that generally they have behaved themselves with great regard and deference to his Majesty's Commands, saving in that particular whereof we gave your Lordship an account in our last, and even for that they have expressed a very hearty sorrow, and submission, and we do humbly conceive that the Bishop of Oxford, when he comes in person to the College (which he promises suddenly to do so soon as his health will give him leave) will be best able to find out those faults of the particular members of this Society, which we cannot get any the least information of, and have sufficient power to redress them, and to punish the delinquents for the irregularities committed, by the Statutes of the same; and having brought the Fellows to the Submission to his admission, and had notice from your Lordship of the King's gracious pleasure that no punishment shall be inflicted upon them by us, upon the account of their former disobedience, we hope that we have hitherto obeyed his Majesty's Command, and that if he hath no further pleasure to signify to us, we may have his gracious leave to return to attend his service at London. We crave leave further to intimate to his Majesty, that the Vice-Chancellor and Heads of Houses pay great respect to this Commission, as will in part appear by the inclosed paper of the *Programma.*

And so begging your Lordship's favourable representation of our Duty and Service to his Majesty, we rest, my Lord, your Lordship's most obedient and humble Servants,

Thomas Cestriensis.
R. Wright.
Tho. Jenner.

(*Johnston.*)

190.

1687, Oct. 25. Letter from Henry Holden, Fellow.

Morning. At eight o'clock, Mr. Wickins, formerly of Emanuel College in Cambridge, Chaplain to the Bishop of Oxford, [presented a paper] empowering him as Proxy for his Lordship, who does not yet venture abroad, to be installed President. The Question was put to three or four of the seniors whether or no they would admit him, upon whose refusal the Court adjourned to the Chapel, and my Lord of Chester, taking Mr. Wickins by the hand, seated him in the Presidents Stall, where he took the oaths of allegiance and Supremacy, and the President's usual oath to observe the Statutes, from thence they went to give him possession of the Lodgings, breaking open the doors, for Dr. Hough, though much pressed by them to the contrary, carried the keys

away with him. Then returning to the Common Room they proposed to all the House, even Choristers and Servants, whether they would submit to the Bishop of Oxford as President *in licitis et honestis*, being now installed by virtue of his Majesty's authority, which being a Question of moment, they desired to consider of it till the afternoon.

(*MS.*)

191.

1687, Oct. 25. Anecdote of the Countess of Ossory and Dr. Hough.

In his notes to his last Edition of Burnet's History of the Reign of King James IId. Dr. Routh gives (p. 176) the following curious anecdote taken from the private memorandum Book of Carte the Historian, in the Bodleian Library.

'Dr. Hough was turned out of the Presidentship of Magdalen, Oct. 25, 1687. He dined that day with the Countess of Ossory, who taking a glass of Moselle wine, and waving it under her nose for the flavour, for she never drank any, "Come, Doctor," says she, "my service to you, be of good comfort, 'tis but twelve months to this day twelvemonth." "'Tis certainly so, Madam," replied the Doctor, "but what then?" "I say nothing," said she, "but remember what I say, 'tis but twelve months to this day twelvemonth," and that day twelvemonth he was reinstated.'

The Countess was the Mother of the then Earl of Ossory, grandson of the old Duke of Ormond, to whom Hough was Chaplain. She was a Dutch Lady, and her son Lord Ossory previously to the Revolution had espoused the interests of the Prince of Orange.

192.

1687, Oct. 25. Further Proceedings.

At three of the Clock this answer was given in by the Society, except Dr. Fairfax, who had given his in in the morning: 'That whereas his Majesty hath been pleased by his Royal authority to cause the Right Reverend Father in God, Samuel, Bishop of Oxford, to be installed President, we, whose names are hereunto subscribed, do submit so far as is lawful and agreeable to the Statutes of the College, and in no way prejudicial to the Right and Title of Dr. Hough.'

This answer was accepted, except the last Clause, which the Lord Chief Justice and Baron Jenner declared, as Judges, to be insignificant, since nothing they could do, could any way invalidate Dr. Hough's Title, but left them still at liberty to be witnesses for him, or any other way be serviceable to him in the Recovery of his Right.

Then all were commanded to withdraw, and Dr. Fairfax being called in, the Bishop asked him what he meant by his Paper above mentioned, dated October the 22d, and whether he did submit to the authority of the Court?

Dr. Fairfax. As I have denied it above, so I do here.

Then the Court was opened, and the Doctor complained before them

all, that he was twice closetted, and being asked whether he would obey the Court and Bishop of Oxford, he plainly denied both: Upon which the Buttery-Book was called for, and the Bishop of Chester commanded his name to be struck out, and this sentence passed, viz.

Forasmuch as you have denied the authority of the Court, and refused to obey the Bishop of Oxford, whom the King hath made your President, and taken Commons after your Suspension, we declare your place void, and command you quickly to depart the College within fourteen days.

Dr. Fairfax. My Lords, all the huge calamities, that have befallen me, are on the sole account of a religious and conscientious observation of our pious Founder's Statutes, whose bread I have eaten almost these thirty years.

Lord Chief Justice. No speeches. Besides if you have any papers, instead of reading them, leave them in the Court.

Then with much ado the Doctor prevailed with them to let him read his Protestation[1] which he left in the Court.

The Protestation was overruled, and a copy of the sentence denied, though it was most earnestly desired at the instance of Dr. Hedges, and Mr. Vice-Chancellor two days after.

At the close of the Sessions their Lordships declared that they were very well satisfied with the answer the Society had given them, and though before they had laid a Libel to their charge, yet that night they declared that they had met with nothing from them but civility, and that they should receive the same from them:—that they had shown themselves men of excellent tempers this day and before, and that they would represent it faithfully above to their advantage, and that if it in any way lay in their power to serve them they should be very ready to do it.

They then adjourned till Wednesday morning.

(*Impartial Relation.*)

193.

1687, Oct. 25. Continuation of Dr. Thomas Smith's Diary.

Tuesday afternoon. Oct. 25. The other Fellows gave in their answer in common, except one or two who gave in theirs apart, which Dr. Pudsey also subscribed, wherein they say that they would submit to the Bishop of Oxford, then installed President, as far as is lawful and agreeable to the Statutes of the College, and in no way prejudicial to the right and title of Dr. Hough, which last clause they thought to omit at last, being made acquainted by the Chief Justice and Baron Jenner that it was superfluous, and that their submission would not prejudice Dr. Hough's Right and Title in the least. The same submission was made by the Demies, Chaplains, Schoolmasters, Stewards, organist, clerks, choristers, and servants of the College. All being asked, whether they would submit, promised obedience to the Bishop of Oxford as President, the under Porter only excepted, who refused. This done we were bid to withdraw. Soon after Dr. Fairfax was called in by himself and immediately all of us. Dr. Fairfax denying the authority of the Court and refusing to submit to the new President, the Commissioners admonished

[1] See No. 188.

him to depart the College peaceably, and expressing a great deal of sorrow that he should thus ruin himself by his obstinacy, they deprived him of his Fellowship and struck his name out of the Buttery Book.

We were ordered to bring in an account of what lands, gifts, and provisions for hospitality, which were given by our Founders and Benefactors, and how they were employed, and so they adjourned to next day.

(*Cobbett*, col. 65).

194.

Letter of Henry Holden, Fellow.

Tuesday afternoon Oct. 25, 1687. 'At which time they (the Fellows) returned the Paper subscribed by all, 'whereas &c.' Only Dr. Fairfax, who had been suspended from his Fellowship in London, but notwithstanding had for some time been resident here, and took his commons, persisted to deny the jurisdiction of the Court, and would not subscribe to the Fellows' (Paper?) the Under Porter also, having intended for some time since to leave his place, which he had reason to think he should have been turned out of ere long for having affronted Mr. Collins, the Schoolmaster, one of the Bishop of Oxford's Chaplains, refused to submit, so their names were immediately struck out of the Buttery-Book, and the Dr. commanded to leave the College in fourteen days, and the Porter in three. The submission was very well accepted save only the last clause which their Lordships thought unmannerly and withal insignificant, since that whatever they had done in his case did no way invalidate Dr. Hough's case, but left them still at liberty to be witnesses for him, or any other way serviceable for the recovering it. Their Lordships spake very kindly, thanking them for their exemplary obedience to his Majesty, which they would represent with all possible advantage on their behalf, and in their own persons be ready to serve them upon any occasion.

(*MS.*)

195.

1687, Oct. 26. Enquiry into the College Charities.

In the Morning the Fellows made it appear to their Lordships very satisfactorily that they were obliged to give in charity money £2. 3. 4., and that besides that they gave *communibus annis* almost one hundred pounds, as appeared by a Paper they then delivered in. Upon this their Lordships were pleased to expatiate upon their generous Bounty and Liberality, saying the complaint of this account was groundless, and that it would induce the King to a better belief of them in all other matters.

On the day previous the Commissioners had ordered them to bring in their Answer to the following questions:

I. What gifts and provisions have you for the entertainment of Strangers?

II. What is the value of it?

III. How is it applied?

IV. Where is the Place of Entertainment?

The answer was given thus:—

In the time of Henry VIth the Hospital of St John was dissolved, and

the Lands thereunto belonging was purchased by William Waynfleet, then Bishop of Winchester, and in the place of the Hospital he built Magdalen College.

He left no Statutes, orders, Injunctions, Compositions, or Provisions, for maintenance or relief of poor people or strangers, that ever we could find in any writing or Record whatsoever.

John Claymond, the third President of the College, left three pounds per annum, whereof two pounds ten shillings is to be distributed amongst the Fellows and Scholars on the first Monday in Lent, and ten shillings thereof for the repairing of four beds and bedsteads, which were placed in a room over the Vault of the old Chapel, but no provision is made for any victuals or maintenance for those, who were admitted to lodge there, which at the most were to be but four at a time. But in the time of the late Rebellion the said Chapel with the vault under it were made no other use of but to lay fuel in: whereupon at the Restoration the Visitor directed that it should be converted into chambers for the use of the Fellows and the Demies. (*Impartial Relation.*)

Two others of our Benefactors, Ingledew and Preston, ordered twenty pence at a time to be disposed of on fourteen feasts to the Poor, the whole amounting to one pound, three shillings, which are accordingly distributed by the Bursars yearly. Preston gave six shillings per annum to be bestowed on two or three poor Scholars, born in Lancashire, which is yearly distributed by the President; so that all the money, except Perrot's composition, which is faithfully performed, which we are obliged to bestow in charitable uses, amounts but to two pounds three shillings and fourpence *per annum*, notwithstanding which four shillings is yearly given to the Castle for straw for the Prisoners: and we allow eight pounds yearly to the almsmen of St. Bartholomew's. We allow six pounds six shillings and eightpence yearly to the Poor in Bridewell, and twenty pounds *per annum* to the President for the entertainment of Strangers and Foreigners, and there is allowed at every meal at the Bursar's Table a commons for the entertainment of Strangers, and the Bursars have power to add therewith as they shall see occasion. And besides what is allowed constantly as aforesaid, there is a considerable sum of money disposed of yearly by the President and thirteen Senior Fellows, at the conclusion of the accounts, and other times, to indigent persons, strangers, and travellers, and chiefly to such as are in great need, but ashamed to make their necessities known publickly, as to desire alms of their respective parishes, amounting to above ten pounds per annum. And if we might not be thought to boast of our Charity, we could instance inconsiderable sums given to the Fires of Northampton, Southwark, London, and other places: as also to the French Protestants, two only of which we allow at present six pounds yearly. Hence it appears that we expend near a hundred pounds annually in charitable uses.

Alexander Pudsey
Thomas Smith
Thomas Stafford.
(*Impartial Relation.*)

Johnston (p. 92) adds the following names from the Documents

Thomas Bayley	William Craddock
Mainwaring Hammond	Charles Hawley
John Rogers	John Bayley
Robert Almont	Joseph Harwer
Francis Bagshaw	John Davys
Henry Holden	Thomas Bateman
Henry Dobson	George Hunt
George Fulham	John Gilman
Charles Peniston	Robert Charnock
	Stephen Weelks.

196.

1687, Oct. 26. Continuation of Dr. Thomas Smith's Diary.

We gave in a paper relating to our Benefactors, and to our own beneficence and charity to the poor, as yearly sums besides what was given upon several emergencies. But besides this common paper to which I subscribed, I drew up the following, subscribed it, and presented it to the Commissioners.

'As to your Lordships' question proposed whether we have applied the revenue of any land or other estate, given for hospitality, to private uses, we cannot for want of time give your Lordships that satisfactory and full account, which we desire and shall do hereafter, when we shall look over the evidences of the Estates of the College, of which we are but the fructuaries, and other muniments locked up in the Tower.

'As for our hospitality in general. 1. The Bursar's Table is the table where not only our tenants but strangers, according to their quality, are entertained: there being a daily allowance made by the College for that purpose, which when scanty and not sufficient for a suitable entertainment, it is left in many cases to the discretion of the Bursars to add what they shall think fit and becoming. But besides this:—

'2. It is our constant practice and custom at the end of the year to give sums of money away to the poor, which are greater or less according to the surplusage of our corn-rents that year.

'3. The Bursars are empowered to give money away to the Poor upon the greater and more solemn festivals of the year.

'4. Oftentimes upon great emergencies, such as were the briefs for re-edifying the Town of Northampton, for the rebuilding the Cathedral of St. Paul's, London, for the relief of the French Protestants, besides other briefs for fires, for the redemption of captives and the like, we give considerable sums of money as well out of the public stock as out of our private purses.

'As for turning the remaining part of the Hospital of St. John abo t twenty years since (for this it seems had been misrepresented, and abo t which they desired satisfaction) into lodging-chambers, which were ve y much wanting to the Fellows, that alteration was not made without co - sulting the Bishop of Winchester, our local Visitor, and without havi ; obtained his Lordship's consent: there having been no use, as we cou l

ever learn from our Predecessors, of those rooms, and as we may seem not without good grounds to believe since the time that pilgrimages were left off and disused here in England[1].

'But, my Lords, if upon research (which we will endeavour to make with all possible diligence) we shall find any obligation lying upon us to use larger measures of hospitality, we assure your Lordships we shall be just to that obligation, and for the future will fully satisfy it, as we will any other point of duty, which is incumbent upon us, as Fellows of the College. This we hope will satisfy your Lordships at present, and we humbly desire your Lordships to make, as we are assured your Lordships will do, a fair and candid interpretation of this answer to his Sacred Majesty, whom God bless with long life and a happy and glorious reign.

Thomas Smith, D.D.'

I added only by way of explanation, what I have learned from tradition, that those rooms of the Hospital now turned into chambers had not been used as they were first designed, since King Henry the 8th's time, and that they had been for the reception of pilgrims travelling out of Wales to Thomas a Bekket's Shrine at Canterbury, who was the great Saint and Martyr of the Roman Church, but by the laws of England a traitor against his Sovereign leige Lord, King Henry 2d.

With these papers the Commissioners professed themselves satisfied.

197.

1687, Oct. 26. Proceedings of the Commissioners.

Dr. Rogers late Organist had a hearing upon his Petition to be restored, which Dr. Stafford managed and satisfied. The Commissioners ordered us to continue to pay him £30 per annum, which we promised to allow him during his life when he was dismissed, which we never refused to do. Upon this complaint I told Dr. Stafford that now was a proper time to inform the Commissioners of a Bed-maker's Servant being got with child about two or three years before, and that I would make complaint of it in order to have the guilty person punished according to his demerit, and for the fuller discovery of that wickedness. But he would know nothing of it, and desired me to desist, the offence being scandalous, and would make a great noise, and bring a disgrace upon the College. The Court adjourned till the next day.

(*Cobbett*, col. 65–67.)

198.

1687, Oct. 26. Letter from Henry Holden, Fellow.

The morning was spent in clearing the imputation of having misemployed some benefactions given for hospitality and charity, which they (the Fellows) did to the Visitors' entire satisfaction, evidently proving that

[1] In the Bull of Pope Calistus, A.D. 1457, it was especially stipulated *quod Ecclesia prædicti Hospitalis ad profanos usus, veluti hæreditas, minime redigatur, sed in Divinis consueta onera supportentur.* This seems to have been forgotten, but the reign of the Puritans must be remembered. J. R. B.

they bestowed upon indigent people near £100 per annum out of the publick Stock, more than they are obliged to by any Statute, not to mention what other sums are collected in the Chapel at Sacraments, and other ways, which are very considerable, the Visitors thereupon declaring his Majesty would be highly pleased with their account, for they had been especially misrepresented to him in that particular. Then Dr. Rogers, the late organist, turned out about a year since, presented his petition setting forth his having been invited by Dr. Pierce from Eton, where he had £60 per annum, to Magdalen College. He was turned out of his place by reason his daughter was got with child,—but the point was cleared before the Bishop of Winton, and so the Court would not look into it any more. Adjourned till the next morning.

(*MS.*)

199.

1687, Oct. 26. Letter from John Smith.

Oct. 26, [16]87.

Hon^rd S^r

I understand their Lordships the Commissioners are inquisitive after me, and apt to interpret my absence to be contempt; this is to assure You upon my word, S^r, (and if occasion be, I am ready to take my oath upon it,) y^t it is not out of any disrespect to their L^dships that I am absent. And I desire You upon that Friendship and kindnesse that has formerly been betwixt us to acquaint their L^dships with as much, but that it is out of a bodily indisposition that I do not waite upon them; in soe doing You will lay a fresh obligation upon

Your affectionate humble Servant
John Smith.

I beg your pardon for this hasty and therefore blotted scribble.

[*Addressed:*]—For his honoured Friend Dr. Hedges.

[With small red seal.]

(*Buckley MS.*)

200.

1687, Oct. 26. Continuation of Baron Jenner's Diary.

'No express yet come. Viewed our proceedings: then went to the College and sat a little while: heard the organist's petition, and dismissed it: then went to Chapel, and adjourned till nine the next morning, and so to dinner. Several of the University dined with us, and then went about two to Lincoln College to . . . there, where a very well fitted up Chape: from thence to the Laboratory, the Theatre, Schools, and Library, where the Bishop of Man met us: thence to the Physic Schools, Convocation House, and so to Queens to Dr. Hyde's the Library keeper, and Dr. Halton, the Provost there: then to the Proctor's at University College (Thomas Bennet) to supper, and home not very well.'

201.

1687, Oct. 27. Letter from Tramallier.

(Extract from the 'Academy,' July 25, 1874.)

The following letters[1], giving a contemporary account of the expulsion and subsequent restoration of the Fellows of Magdalen College, Oxford, will not be read without interest. The forced intrusion of Parker, Bishop of Oxford, into the Presidency, and the spirited conduct of Dr. Hough, the President, and of the Fellows, are known to everyone through the pages of Macaulay; James's tyrannical bearing in this instance doing 'more than even the prosecution of the Bishops to alienate the Church of England from the throne.' The writer was one Thomas Tramallier[2], of Jesus College, and the letters are addressed to, or written for the information of, Viscount Hatton.

E. MAUNDE THOMPSON,
(Keeper of the MSS. at the British Museum).

'Jesus College: Octber 27th, 1687.

'On Thursday last in the afternoon came hither the Ecclesiastical Commissioners, viz., the Bishop of Chester, the Lord Chief Justice Wright, and Baron Jenner; and the next day in the morning they went to Magdelen College Chapel; but that place not pleasing them, they remov'd to the College Hall, where, according to a citation putt up on the College gate two days before, appear'd before them the President Dr. Hough, the Fellows, with the rest of the Society. Their Commission was first read, empowring them to visit the Vniversitys, particularly Magdelen College, the same in effect, mutatis mutandis, with the general Commission of that Court; and then the Bishop of Chester made a Speech, or a Charge, consisting for the most part of upbraiding Reflexions upon the Loyalty and behaviour of the College towards his Matv, with some exhortations to submitt to the King's Mandate. In the afternoon they mett again; when Dr. Hough declar'd to them in his name, and the name of the Society, That he own'd their Authority so far as it agreed with the Laws of the Land, and ye Statutes of the College, and no further: telling them withall, That it was a hard thing they should undergoe a Visitation, at so short a warning. This Declaration of submitting no otherwise to their Visitation, as also of the hard measure he had, he afterwards confirm'd, among other arguments, by the Oath he had taken as President, which is indeed very solemne and express; and other Statutes of the College, which they are all sworn to observe; giving them an account of the whole Transaction; but particularly of the methods they had us'd to avoid their falling under the King's displeasure. In the mean while the Commission order'd several Papers to be read, concerning that affair, both from the Ecclesiastical Courts, and the College; askt questions to

[1] See Nos. 239, 299. These Letters of Tramallier have been republished in *The Correspondence of the Family of Hatton*, edited for the Camden Society by Edward Maunde Thompson, of the British Museum. Vol. ii. p. 73.

[2] Thomas Tramallier, B.A. Jesus College 12 April, 1678. M.A. 18 Nov. 1682. B.D. May 31, 1690.

and fro, especially about the coming in of some of their Presidents by Mandates: to which sutable answers were return'd, and call'd for y^e^ Books and Registers, with other Instruments relating to the Estate of the College. One thing I must not omitt, because indeed it was very singular: when D^r^. Hough insisted upon their obligation to observe the Statutes of y^e^ Coll: and told them it was his Resolution, by God's help, to doe it; the Bp. ask't him, why then they did not read Mass, according to the Statutes of the College? to which the D^r^. answering, That besides that Mass contain'd several impietys, it was contrary to the Laws of the Land; the Commissioners desir'd him to shew them to what Law; and the Acts of Uniformity being instanc't in, they all profess't, they could see no such thing in them; but all this was but skirmishing in respect of what was done on Saturday. That morning then the Commissioners, according to their adjournment, sate in the College *Common-room*, whence all People were turn'd out; but being lett in again, after they had closeted the D^r^. for about an hour, the sentence of the Ecclesiastical Court was read thrice by the Bishop; which was to this effect, That he was declar'd no President, and was forthwith to deliver up the Keys. To this he answer'd, That he was perhaps the only instance in England since the Restauration, that was turn'd out of his property, without a legal Tryal, or so much as a Citation; and that he could not, nor would not part with his Right. In the afternoon the Fellows were call'd in, and being ask't one by one, whether they would comply with the king's Mandate for the Bp. of Oxon? that being read to them; they all unanimously refus'd it, but two, D^r^. Tho. Smith, and Charnock. It happen'd a little before, as D^r^. Hough was Protesting against the Proceedings of the Commissioners, and appeal'd to the king and his Courts of Justice, that the People gave a Hem; for which they thought fitt to bind him ouer to Westminster in 2000 *lib.* bail. They talk't once of Committing him; though he told them, That by depriving him they had discharg'd him from looking after the College; and with [that] all the Fellows offer'd to take their oaths, that they were no way concern'd in it. My L^d^ Chief Justice was pleas'd to say, That if the Civil power could not keep us Civil, the Military should. It was a rude thing, without doubt; and therefore it was since condemn'd by a Prog[r]amma from the Vice Chancellour. On Tuesday morning they sate again; but it was in order to admitt the Bishop of Oxford; which being not to be done by the Fellows, they did it in the person of his Chaplain; who, as his Proxy, took the Oaths, and was afterwards putt in possession of the President's Lodgings; but not without breaking open the doors, D^r^. Hough retaining still the keys. It was expected the Sheriff of the County would have bin concern'd in it, with the Posse Comitatus; or that y^e^ three Troopes of Horse which have been quarter'd here ever since the raising of the Army should have bin employ'd in that execution; but it was done in y^e^ manner that I relate, whatever private Instructions they might have. In the Afternoon the [course] was chang'd; and the Bp. of Oxon being consider'd as possess't of the Presidentship, a new Question was putt to them, viz. Whether they would obey him now he was in by the King's Authority? To this the Fellows Demyes, Chaplains, and others of the Foundation, answer'd, They would submitt to him, as far as was consistent with the Statutes of the College

only two refus'd it absolutely, the Famous Dr. Fairfax, and the Under Porter. The Dr. moreover entering his Protestation in due forme of Law, was depriv'd instantly of his Fellowship, and commanded to depart the College within a fortnight; as the Under Porter was within three days. In the morning there was putt into the Court an answer to that doughty argument That the King's Mandate is an Inhibition; but they were wheedled off of it by some few sugar words, they then beginning to flinch. I was surpris'd, I must confess, to see it come to this; but I dare not judge them. This is plain, I think, That they have thereby shew'd the king a way to putt into every place; not to say, That in it's consequence it affects every man's Property in England. They pretend that they have herein follow'd the advice of their most judicious Friends; and that there was positive Order sent to turn out every man of them, that would not submitt.'

202.

1687, Oct. 27. Proceedings of the Commissioners.

The Steward, Mr. James Almont, according to the Lords' order brought in an account in writing of the Leases let, and Fines taken for the last two years.

Then the Fellows desired that Dr. Aldworth, their Vice-President, his suspension might be taken off, his presence being so necessary at their Audit which was nigh at hand.

To which the Court replied that they must apply to the Lords Commissioners above, who had suspended him. They then adjourned till five in the afternoon, at which time they met and adjourned till the next day at seven in the morning, before which meeting the following Letter was delivered to the Lords.

(*Johnston.*)

This morning the Commissioners received a list of Leases etc. which had been renewed two years last past. Mr. Charnock, the new convert, asked their Lordships, whether those leases stood good, which had been sealed since Dr. Hough's Election. The Lord Chief Justice answered, 'Yes, for Corporations always speak by their seals.' Then their Lordships perused the College Registers, and finding nothing in them to object against, they were returned, and the Court adjourned till the afternoon, at which time their Lordships told them that having received no Express from above, as they expected, they would adjourn till Friday at eight in the morning.

(*Impartial Relation.*)

203.

1687, Oct. 27. Continuation of Dr. Thomas Smith's Diary.

The Court being seated, the Steward gave in an account of our fines for the two last years. There was a Petition of William Fey (1) late

[1] See Register of Choristers, p. 107.

chorister, and now a trooper in the Earl of Peterborough's Regiment, which was delivered to them, as they said, by Captain Lawson, about money he pretended due to him from the College, but it was fully and abundantly answered to their Lordships satisfactorily. They asked us if we had any thing to propose wherein they might serve us to redress it, which no man speaking to, they adjourned till five in the afternoon, at which time they said they would not detain us above a quarter of an hour.

Thursday afternoon. Five Oclock. Only the Bishop of Chester and Baron Jenner came, and told us that they were in hourly expectation of an express from London, and so adjourned immediately to the next day at seven O'clock in the morning.

(*Cobbett*, col. 67.)

204.

1687, Oct. 27. Letter from Henry Holden, Fellow.

They (the Fellows) delivered a list of leases renewed in the two years last past, and Mr. Charnock, the Convert, informed them (the Commissioners) of several leases renewed since Dr. Hough's election, desiring the Court's opinion whether they would stand good, which was answered in the affirmative. Then they went to Prayers, (as they had done twice before), and adjourned till five at night: at which time Dr. Stafford moved that Dr. Aldworth's suspension might be taken off. He was directed to make his application to Mr. Bridgman, Secretary to the Commissioners, their Lordships promising their assistance. Adjourned till the next morning. (*MS.*)

205.

1687, Oct. 27. Continuation of Baron Jenner's Diary.

'Viewed our Proceedings: then went to the College: heard a petition concerning a Quirester, and dismissed it: and so adjourned till five: and then to prayers, and so to Mr. Dean of Christ Church to dinner: came thence to my chamber, and very much concerned for want of our express, and not well. I and my Lord Bishop went to the College, and adjourned till seven the next morning:—and from thence to Mr. Archdeacon Eaton at Gloucester Hall, who was robbed the night we lay at Wickham, where my Lord Bishop was very merry with his daughters, which made me a little more cheerful, and so came home to supper. Mr. Vice-Chancellor and Mr. Beeston etc., but they went away before supper, but Captain Bramwell, and Mr. Mordaunt stayed with us, and the two fine singing boys were there, and after supper I left them, and no express yet, which made me very much troubled, and so went to bed and slept pretty well.'

206.

1687, Oct. 27. Letter from Lord Sunderland at Whitehall to the Commissioners.

My Lords, I have received your Lordships' of the 25th, and laid it before the King, who commands me to tell you that he thinks the Fellows, who have submitted to the Bishop of Oxford as their President, ought to make an Address to his Majesty, asking pardon for their late offences and obstinacy, and acknowledging the Jurisdiction of the Court, and the Justice and Legality of its proceedings in the whole matter. His Majesty leaves the wording of it to you, and the manner of doing it, but would have it done before you come away, and if any person shall refuse to join herein, His Majesty would have you expel them, since he cannot look upon this, which is called a Submission, to be such indeed, unless it be attended with these circumstances.

The King is very well satisfied with the proceedings against Dr. Hough and Dr. Fairfax, but thinks that they deserve some further punishment, and therefore when you return will have the whole Ecclesiastical Commission pass a sentence of Incapacity upon them.

The King would have you before you come away place Mr. William Joyner in the Fellowship lately enjoyed by Dr. Fairfax, and likewise appoint Judge Allibon's Brother and Mr. Charles Goring to be Fellows of that College, if there are two vacancies more. If there is but one, then Judge Allibon's Brother to have that Fellowship, and Mr. Goring to come in upon the first vacancy. In case Mr. Goring be a Fellow, His Majesty would have Mr. Middleton, who is his nephew, succeed him in his Demyship.

I am, my Lords, your Lordships most humble Servant, Sunderland P.

(*Johnston.*)

207.

1687, Oct. 28. Proceedings of the Commissioners.

The Lords in order to fill up the void places demanded of the Fellows how many places were vacant, and it appeared to their Lordships that there was none but Dr. Fairfax's and Mr. Ludford's, who was lately dead. Then enquiry was made for the Persons recommended, and no body appearing the Lords could proceed no further in the matter.

Then the Lords told the Fellows etc. that they could not heartily recommend them to his majesty's favour, unless they did address to his majesty in writing, asking pardon for their offences, and acknowledging the Jurisdiction of the Court.

The Fellows making a little Pause, the Bishop of Chester told them that they might word it themselves, and if they thought fit Mr. Tucker should assist them in a Room, upon which the Fellows withdrew into the Hall to consider of it, and after some time brought in a Paper with all their hands subscribed of the Tenour following:—

'May it please your Lordships. We have endeavoured in all our actions to express ourselves with all humility to his majesty, and being conscious to ourselves that in the whole conduct of this business before

your Lordships, we have done nothing but what our Oaths and Statutes indispensably obliged us to. We cannot make any Declaration whereby we acknowledge that we have done amiss, as having acted according to the principles of Loyalty and Obedience to his Sacred Majesty so far as we could without doing violence to our consciences or prejudice to our rights, one of which we humbly conceive that of electing a President to be, from which we are sworn upon no account whatsoever to depart. We therefore humbly beg your Lordships to represent this favourably to his majesty, whom God grant long and happily to reign over us. Signed.

Alexander Pudsey	Francis Bagshaw
Thomas Bayley	Joseph Harwar
Thomas Stafford	George Hunt
Charles Hwales	John Gilman
Robert Almont	Thomas Bateman
Mainwaring Hammond	William Craddock
John Rogers	George Fulham
James Bayley	Henry Holden
Henry Dobson	Stephen Weelks
John Davys	Charles Peniston.

This being read, and the Court, saith the Register, looking upon the same to contradict the submission they had given in before, the Lords again asked them whether they would submit to the Bishop of Oxford as their President or no. (*Johnston.*)

208.

1687, Oct. 28. As above.

Dr. Pudsey, Dr. Stafford, Mr. Hollis (Hawles) and Mr. Penniston, referred to their Paper of Submission given in on tuesday. and the greatest part of the rest desired to be excused from answering the Question, declaring that their obedience or disobedience would best appear by their actions when the Bishop came amongst them, and if they were disobedient to the President they were liable to be punished by their Statutes, and said further that they, having given in their submission on tuesday, thought their Lordships' Honour was engaged to require nothing further of them. But the Court insisting to have a positive answer to the Question, and the Bishop of Chester saying, It was *Protestatio contra factum*, Dr. Bayley, Mr. Hammond, Mr. Dobson, Mr. Bayley, Mr. Bagshaw, Mr. Harwar, Mr. Bateman, Mr. Craddock, Mr. Gilman, Mr. Holden, Mr. Weelks, and Mr. George Fulham positively refused. (*Johnston.*)

209.

1687, Oct. 28. As above.

The Commissioners being seated, all were commanded to withdra ; then only the Fellows were called in, and the Bishop of Chester sa , they had represented them fairly to the King, but that his majesty e - pected some farther submission, which they advised them to make, f

acknowledging their contempt to his Sacred majesty in Person, and to his Letters; and that they should promise to behave themselves loyal for the future; and that they should some ways own the Proceedings and Legality of the Court, and implore his majesty's Pardon, and lay themselves at his Feet. The Fellows making a little pause, the Bishop of Chester told them that they might word it themselves, or, if they thought fit, Mr. Tucker, a public Notary of theirs, should assist them in a Form. Then all the Fellows withdrew into the Hall, and drew up the answer [*given by Johnston above*].

Upon their Lordships perusing of the answer, they expressed their dislike of it, saying, it did not come up to the Address sent to his majesty at Bath, which was read; to this it was replied that they hoped their behaviour since had been every way answerable to what they had herein promised. Then their Lordships said that it did not come up to what they delivered in on tuesday.

Dr. Bayley. My Lords, we have acted conformably to ourselves, and truly, my Lords, I cannot possibly confess any crime.

Bishop C. We do not expect of you to confess any capital Crime, only to make some acknowledgement.

Mr. Fulham. My Lord, we were ordered to address ourselves, as having acted in contempt of his majesty's authority, which, my Lord, I look upon as so great a crime that on no account I would be guilty of it. My Lord, we have endeavoured to obey his majesty to the utmost of our power, and seeing your Lordships were pleased to accept our answer on tuesday, I humbly conceive your Lordships' honour is engaged that nothing further be required of us.

Bishop C. You are a very forward Speaker, and abound in your own sense.

Mr. Fulham. My Lord, I hope your Lordship will give me leave to speak when our fortunes are so considerably at stake.

Then Dr. Bayley desired of their Lordships to give him leave to explain what he meant by the word 'submit' in his answer on tuesday, because (said he) I hear your Lordships understand more than was meant, and lest your Lordships should go away under a mistake, by the word 'submit' in the former answer, I did not intend any future obedience to the Bishop of Oxford, but meant it in reference to the King's authority, inasmuch as I did not oppose or resist the Bishop of Oxford's Installation.

Upon this a fresh question was put to the Fellows, whether they would obey the Bishop of Oxford as their President *in licitis et honestis*, to which all except one or two answered, they could not obey the Bishop of Oxford as their President.

Then Mr. Fulham was particularly asked the Question.

Mr. Fulham. Dr. Hough being duly elected and admitted President doth thereby obtain a right, which I am not satisfied he hath anyway forfeited, and therefore can obey no other Person as President.

Bishop C. Will you obey the Bishop of Oxford as in possession?

Mr. Fulham. I cannot because the Bishop hath not lawful Possession.

Then He (the Bishop C.) asked wherein?

Mr. Fulham. He hath not Possession in due Form of Law, nor by

proper officers. I am informed that the proper officers to give possession of a Freehold is the Sheriff with a *Posse Comitatus*.

Lord Chief Justice. Pray who is the best Lawyer, you or I? Your Oxford Law is no better than your Oxford Divinity. If you have a mind to a *Posse Comitatus* you may have one soon enough.

Mr. Fulham. My Lords, I intended nothing but respect to your Lordships, and have endeavoured to speak and behave myself with due reverence, and I hope your Lordships will put a favourable construction on what I said.

Then all were commanded to withdraw, and the Buttery Book was called for, and after that Mr. Fulham was sent for in, and by the Bishop of Chester suspended as followeth :—

Bishop of Chester. Mr. George Fulham, we have thought fit to suspend you from the Profits of your Fellowship during his Majesty's Pleasure for your contempt and opprobrious language.

Then they adjourned till Wednesday the 16th of November, ordering the absent Fellows to be sent for home against that time. So they immediately went for London. (*Impartial Relation.*)

210.

1687, Oct. 28. Continuation of Dr. Thomas Smith's Diary.

The Commissioners told us that that morning they had received an express from London, wherein the King required that the Fellows should acknowledge their disobedience in contesting his authority, and therefore they ordered that the Fellows should make this acknowledgment, in order to the King's satisfaction, in a writing under their hands, which they would leave them to draw up and word: how that they were sorry that they had displeased his Majesty, and disobeyed him, and to that purpose, and therefore we were bid to withdraw; and they said that if we would Mr. Tucker should assist us, adding moreover that we understood very well how to draw up an Address, and that they would leave it wholly to ourselves.

In this affair I was wholly unconcerned as to any kind of obligation lying upon me to join in such an Address, who had been absent from the College with statutable leave, during the heat of the contest; (the Fellows refusing my advice for deferring the Election till the King had been petitioned a second time: which method, if it had been followed, would have prevented all the troubles which fell upon the College). The Commissioners upon my saying thus much acknowledged that I was not obliged, nor was a Subscription required of me, as is subtilly but most falsely suggested in the 'Relation' p. 37 and p. 38, who was so far from being pressed, as is there said, that he was not so much as spoken to. But however, after some little demur, I went up to the Hall, where the Fellows were retired, to discourse with some of them, and to interpose my advice. They told me that they were required to acknowledge themselves disobedient, that is rogues, villains, and other such like terms they used, which they would never do, and were divided about a Form. I told Dr. Bayley and others that they might do it in such a form as might neither displease the Commissioners, nor prejudice themselves

as that:—'We are heartily sorry to have incurred your Majesty's displeasure, and that if in the management of this case we have done anything amiss tending that way we humbly beg your Majesty's pardon.' or to this purpose. I said moreover that I would not accuse them, but I was to defend myself:—that in the management of the best cause, there might be misbehaviour and miscarriage, and therefore I begged of them for God's sake very earnestly that they would consider what they had to do.

But I not prevailing, they drew up a Paper, which being subscribed, they went down with it to the Common Room to present it to the Commissioners. As soon as it was read, the Commissioners said, it was not a Paper fit to be offered, and that they had offered more in a former Address, which was read, and that it was not agreeable, but directly repugnant to their Submission made on tuesday, the Bishop of Chester adding, that it was *Protestatio contra Factum.*

(*Cobbett*, col. 67, 68).

(1687, Oct. 28. Continuation of Dr. Thomas Smith's Diary.)

Dr. Bailey desired to explain himself as to that Paper, that by the word 'submit' they only meant that they would not oppose, and that as to owning the Bishop of Oxford President they had no such design or meaning. This appeared to me matter of astonishment, for that the Submission was made after the Commissioners had installed him.

Reflecting upon this interpretation I have said several times to them, If we may fasten an interpretation upon words, contrary to their plain, obvious, and common sense and meaning, let us henceforward cease to condemn and preach against the Jesuitical wicked doctrine of equivocation and mental reservation, and that if we now thought ourselves bound to observe the Founder's Statutes *ad literam* in every particular, and that we could not be dispensed with from them, as we had been dispensed with formerly in divers instances, and especially about elections, we ought to take shame to ourselves by a public acknowledgement that we have lain so long under those fatal errors, and do penance for our manifest and wilful perjuries.

After the general Submission made by all the Fellows, except Dr. Fairfax, and all the College besides, except the under-Porter, both of whom were expelled, I observed that there was great dissatisfaction taken by several at this their compliance, blaming them for leaving Dr. Fairfax in the lurch: besides they were piqued by Mr. Obadiah Walker, and his parties, upbraiding them that they durst not stand it out, and it being commonly said in the Town by the ordinary people, 'here is your Magdalen College conscience,' besides other motives, they thought fit to evacuate their submission by this equivocal interpretation. Then the Question was put in these very words to those only who had subscribed the Paper.

Will you submit to the Bishop of Oxford as President *in rebus licitis et honestis?*

But they refused, most of them saying they were of Dr. Bailey's judgement. Dr. Stafford at first desired time to consider, and said, that

if he did not obey the President he was liable to be punished for his disobedience according to the Statutes. Mr. Craddock said that he would obey the Bishop of Oxford as President, when Dr. Hough should be found to be legally divested of the Presidentship. Mr. Fulham in his heat said that the Bishop of Oxford had not been legally invested President, and that it ought to have been done by a *Posse Comitatus*. This the Chief Justice highly resented, and told him that the Law was not his Profession, and several other words to that purpose, as indeed most of them had something or other to say, when they gave in their answer *vivâ voce* to the question proposed, which I took little notice of as being trivial. Soon after we were to withdraw.

(*Cobbett*, col. 68, 69.)

(1687, Oct. 28. Continuation of Dr. Thomas Smith's Diary.)

When we were called in, having discoursed with Mr. Fulham in the cloister about his unadvised words, I desired of the Commissioners that they would permit Mr. Fulham to retract some words he let fall hastily a little before, and that he might have leave to explain himself, which he did: but they answered that the affront to the King's authority was public, and so the Bishop of Chester, who before had called for the Buttery Book, as I thought to strike his name out, and with design to expel him, only suspended him from the profits of his Fellowship for his opprobrious language and contempt of the King's authority.

Then they adjourned the Court to Wednesday November 16th, strictly ordering the Fellows then present to give notice to such as were absent, to appear there before them on that day.

(*Cobbett*, col. 69.)

211.

1687, Oct. 28. Letter from Henry Holden, Fellow.

Thus far things went on smoothly, but an express which arrived at 5 this morning quite altered the scene, for the Commissioners clearing the room, called in two or three Seniors, and afterwards all the Fellows, telling them that to save his majesty's Honour they must draw up an Address to acknowledge their disrespect and contempt of his authority, justify legal and equitable proceedings of the Court, and promise loyalty and obedience for the future. This as it startled them very much, so after some debate amongst themselves, they produced this answer verbatim, 'may it please your Lordship &c.' This Paper displeased the Commissioners exceedingly, who told them it was rather to retract than confirm the former Submission, which was then ordered to be read again, and the Question again put to every Fellow whether they would submit to the Bishop *in licitis et honestis*. Dr. Bayley replied that the Submission they had subscribed to was intended to the King's authority in putting in, which he did not oppose, but not so as that they did promise thereby to obey the Bishop. Mr. Fulham told them he considered that, since their Lordships had already accepted their tuesday's answer, they were obliged in honour to require nothing more of them:—that a legal

Possession ought to have been given by the Sheriff's *Posse Comitatus etc.*, for which words he was suspended the profits of his Fellowship during the King's pleasure. To make short, none of them, though the danger of noncomplying was intimated to them, and the Buttery-Book sent for, would comply. So the Court was adjourned to be held in the same place on Wednesday Nov. 16, and all of the absent Fellows, whose excuses had been hitherto allowed, were required at their peril to appear. All was done before eleven of the Clock.

(*MS.*)

212.

1687, Oct. 28. Letter from William Sherwin.

Sir, This morning the Commissioners met again at Magdalen College, and required that the Society should give it under their hands that whatever they had hitherto done was obstinacy in them, and that they were sorry for their so doing, and to own themselves to be wholly in an error in opposing the King's Mandate; upon which the Fellows went together, and by Dr. Bayley gave this answer; that they had committed no crime, and therefore could not beg pardon, and withal said, to prevent any further misunderstanding, that they would explain the meaning of their first answer, that when they said they would submit, they did not mean that they would obey the Bishop as President *in licitis et honestis*, but all that they meant by it was that they would not oppose the Royal Authority which put him into the College. They were all asked if this were their answer, which they owned. Mr. Fulham was suspended for saying that the Bishop was not lawfully put in, and if they had been resolved to do it as they had done by force, it should have been by a *Posse Comitatus*. My Lord Chief Justice answered that the Bishop had more right to be President than they had to be Fellows, and would continue so much longer, and that the *Posse* would be amongst them before it should be long. They have adjourned to the 16th of the next month.

(*Cobbett*, col. 97.)

213.

1687, Oct. 28. Continuation of Baron Jenner's Diary.

'Rose at six of the Clock in the morning. No express yet, but then about seven it came in, which was very grievous to me, requiring that submission from the Fellows, which we know they would not do, on pain of expulsion; and so we must go back with them from our words, and to put in four new parties, Joyner, Allibone, Goring, and Middleton. So we went and found it so: they rather retracting what they had done, and one Fulham, a Fellow, saying some hard words about the manner of the Possession (of the Lodgings), we suspended him, though against my opinion, because he desired to retract it before he was ordered to withdraw, and afterwards. And we adjourned to the Sixteenth of November, albeit my Lord Bishop was for expelling them all presently: —and then went home and dined;—much company of officers and Mr. Brome etc. And we took coach a little before one, and came to Henley

about six at the Catharine Wheel, no very good house, and so to supper and to bed.'

Oct. 29. 'Came from Henley till noon—Maidenhead—and then Eaton the Tipstaff alarmed us with a robbery, but nothing in it but a Trick played upon him, and at Maidenhead my Lady Chief Justice came in with us,—so came to Brentford, and there dined. After dinner settled the Paper, which we were to have read to the King, with some words between the Bishop and myself: then went to Whitehall to the Secretary's office:—then to Mr. Chivins' chamber where my Lord President came down, and then the King. Both seemed to be well pleased, beyond all our expectation, especially the Bishop's:—thence came to my chamber, where saw Brothers Holloway and Powell, and so home with my son, where found all well. *Laus Deo.*'

214.

1687, Oct. 31. Letter from William Sherwin.

Sir, I was in such haste, when I wrote my last, that I have almost forgotten what was in it, therefore I shall give you the trouble of this with the particulars of Friday's action. So soon as the Commissioners were seated, my Lord of Chester told them; Gentlemen, his Majesty is not pleased with your answer, and does expect from you an Address, in which you shall own all your proceedings to be in disobedience to the King, and in the same Address, though we do not require that of you, you acknowledge the great civilities you have received from us your Visitors, it will be well taken. Upon which there was this general answer made, that they were not conscious of any fault they had committed, and whatever trouble had of late befallen the College, was a due observation of their Statutes, and to preserve their oaths, from which they would never recede. Mr. Fulham, who had not before appeared, protested against their proceedings, and they have suspended him during the King's pleasure. Then the Fellows were ordered to go forth, and consider of an answer, which they returned [*in the form given above*].

As to the advice mentioned in my last, I cannot be positive, neither would I willingly make too near an enquiry, but this I am sure, that there were very few in that Society but had made full resolutions at first to do what they will appear to do in the last, and whatever misconstructions are made of their first answer at present will be made fully satisfactory in the end.

215.

1687, Oct. 31. Letter from Henry Holden, Fellow.

Honoured Sir, I have sent you such an account as, (upon the best recollection I could make), I am asked to give of our College Transaction. What the event will be God knows, but we have reason to fear that it is but the beginning of sorrows. I do not see how possibly we could recede from our ground. The Breach is now wider than ever, so that nothing, without God's interposing Providence, but the ruin of Magdalen

College is to be expected. There are many gapeing for our places. The Bishop is not yet come to the Lodgings, but has sent in some goods and Plate. They talk that he will be here next week. We have nothing else of news, and I have almost blinded myself with writing. Pray in your next let me have some of your own advice as to my own particular. I cannot desire you to let John come with Mr. Holt and Guy Hicks, because I know not how long the Commissioners will keep me in Oxford, but I heartily now wish I was at home. I leave it to you. Mr. Jenkins tells me you were all well, which is ever the best news to your dutiful and obedient Son, H. H.

My duty to yourself and my Mother with my love to all my Brothers and Sisters. I forbear to say more lest my letter should be opened.

(*MS.*)

216.

1687, Oct. 31. Letter from Dr. John Aldworth.

Deare Brother: Octob. 31. 87.

Dr. Hugh, after the most commendable behaviour I ever heard of, being Expeld, his Lodgings broke open, and Hee bound in a 1000lb for his good behaviour, because upon his appeale from the Commissioners sentence to His Majestie in his high courts of justice, the Standers by gave a Hum: The fellowes were summond to give their answer to this question. Will you submit to the B. of O. now instald by ye kings mandate, as your president? The Answer was; Whereas His Majestie has bin pleasd by his Royal Autority to cause ye Right Reverend et cæt. to bee instald president, wee do submit as far as is lawful, and agreeable to the Statutes of ye Coll: Vpon this ye Commisioners were highly pleasd, telling yem with what advantage they woud represent yem to his Majestie, and desiring them to propose what services they shoud doe them: The Vniversity decryd the fellowes as much, branding them as men perjurd, and betraiers of their president: This continud till his Majesties Answer to their expres. Hee thought the fellowes Answer to loose and ambiguous and woud have them subscribe such positions as these, that they had bin perverse and obstinate in their behaviour, and that they shoud justifie all the proceedings of the Comms: Instead of which they unanimously gave in a declaration justifying their owne proceedings, and, I thinke, blaming theirs: At this Meeting Dr. Bayley ye Tut: tooke an Occasion to give his meaning of the submission, which was as followes; When I said I woud submit, I spoke onely in reference to ye kings autority, (as to the installation, and giving of possession) not yt I intended to pay obedience to ye B: as lawfull president; adding yt it became him to give His Majes: as plaine an answer as might bee: then being askt whether he woud submit to ye Bys: as presid:, in licitis et honestis, Hee answerd he coud not, to wch Answer all the rest, (excepting Dr. To. Smith and Dr. Pudsey) fellowes, demies and Chapplains, referd themselves: upon which the Commissioners became as blanck and pensive as before they had bin cheerfull and obliging. That wch occasions this letter is not to acquaint with what I have allready writ, but to let you know that ye Commissioners tooke several occasions to commend your respectfullnes to his Majesty, seeming to intimate, that

had you bin there, they shoud [have] found a readier Compliance from you; wch I beleive has blemisht you in the opinion of others: The visitation is adjourned till the 16th or 17th of November, at wch time all the fellows are to meet; pray consider whether it may not bee for your credit, to prevent a citation by a voluntary appearance: I shall bee on Wensday next at Oxford, where I shoud bee glad to meet you. My Service to my Brother and Sister: I am your affec: Brother

John Aldworth.

Dr. farfax is expelld, having talkt very pleasantly to ye Comrs They proposd ye question singly; The Dr. tolde them he wonderd they would trouble themselves to Closet Him. Mr. Pelham told them hee thought the Bp. illegally possest, because not done by the Sherriffe; which so nettled yē that they have suspended Him:

No body woud breake open ye Lodgings upon their bare Order, one Smith when he knew ye buisnes he was sent for run away, so the Commisioners went themselves and saw it done:

The under porter for refusing obedience to ye Bp is expelld:

The very day the Lodgings were Broke open, the Bps Lady, led in by Tom Collins, went to veiw them:

Tis said the Visitors had Commission to Expel every fellow, but woud not execute it: they are gone to London for new Orders against the appointed day.

(*Endorsed:*)—For Dr. Aldworth at Stanlakes neare Twy-forde in Berks; With care and speed. (*Braybrooke MS.*)

217.

1687, Nov. 2.

On the Second of November Dr. Parker took possession of the President's Lodgings in his own person, being then in a sickly condition, where he continued to the time of his death, which was shortly after, viz. 20 March 1687–8.

218.

1687, Nov. 3.

At a Court in the Council Chamber—

Present:

The Lord Chancellor.	The Lord Bishop of Rochester.
The Lord President.	The Lord Bishop of Chester.
The Lord Chamberlain.	The Lord Chief Justice Wright.
The Lord Bishop of Durham.	The Lord Chief Justice Herbert.
	Mr. Baron Jenner.

Account of the Proceedings of the Visitors at Magdalen College read, and the Letters from the Visitors to the Lord President, and his answers.

219.

1687, Nov. 6. Letter from William Sherwin.

Sir, I am very unwilling to give either of those worthy persons names, who are reported to advise with the College in that answer which seemed

a compliance, but whoever shall talk with the Fellows of Magdalen College, they are so far from thinking themselves in any fault, that they very highly justify that action. And they do not wonder that the world should be so mistaken as to make a false construction of it, since the Lords Commissioners did themselves do so, and make report of it above, as if they had now secured the business they came about. I mean, in bringing the College to a submission and acknowledgement of their fault. When, I have told you[1] at the same time that the seeming compliance was delivered to the Commissioners, the Petition (of Dr. Stafford and Dr. Fairfax on the 25th of October) was likewise delivered, and if they had compared both together, and considered of it, they would have suspended their sending an account of the College's compliance, I have the good fortune to be frequently with those good men at Magdalen College, and I am fully persuaded that as they will always appear loyal, so all persons will find them persons of great honesty and good conscience. Dr. Fairfax has come to my house. He gives you his service.

(*Cobbett*, p. 98.)

220.

1687, early in Nov. (?) Draft of Dr. Charles Aldworth's Defence.

Before I answer the Quest. it may be expedient to profess all due respect to the persons & Characters of my Lds Comissrs. And if any affront be offerd them during their stay here, yt I doe publickly disowne it, & am unconcernd in it.

If chargd with Contempt for not appearing sooner, Answ: My Lds, I have been in the Countrey since my suspension, and had no notice of yr Ldsps first comeing hither, I have now made my appearance; & submit to yr Autority (if required thereto) so far as is consistent with the laws of ye land & ye Statt. of the Coll.

If it be said, The K. has power to alter Statt, Answ. Our Statt are confirmd by seueral princes before & since ye reformacon, which we are sworn to obey, and not admit of any change or alteracon by wt Autority soeuer, see ye fellows Oath—I doe not presume to say The K. cant alter our Statt, but I am sworn to observe em as they now stand. I dispute not ye Ks power.

If obj. The Stat. for Mass is laid aside, Ans. The law of the land has nulld yt part of our statt, & where the matter of the oath ceases, the oath so far ceases too.

To the Question will you Obey ye Bp in licitis etc?

My Lds, I am as ready to comply with ye K.s plesure as any man, nor doe I know yt we have euer here refused to submit to ye Kings Mandates when it was in our power to obey them.

My Lds, Our Founder has prouided yt no Stranger shall be president here that has not been bred in his own Coll, or in the Coll where himselfe was bred.

Now for us who have elected dr H a person qualifyd accord. to our Statt, who has been installd sworn approved of and confirm'd in all the manner & ways prescribd in ye Statt, for us (my Lds) to accept of and

[1] This sentence is printed as it stands, the general sense being clear.

submit to a stranger and foreigner to us is for ought I can understand a giuing up the rights of the Coll, and alienating the revenue, & diuerting it to other uses y^n^ the founder designd it.

My L^ds^, The whole Tenor of our Statt runs, That we shall mainteine our rights & reuenue. We eat our Founders bread on this Condition. His Curse is upon us if we doe not observe his Statt. (Here repeat the Clauses in Finis et Concl: stat.)

And therefore, My L^ds^, I doe not see with regard to our Oaths, or the rights of our Successors, or of D^r^. Hough, whom I must auow to have been as fairly elected, & as legally possest, as euer man was since y^e^ foundac̃on of the Coll, how I can submit to my L^d^ B^p^ of O as presid^t^.

Of those 4 since y^e^ foundac̃on y^t^ had the Ks letters, 3 were Statutably qualifyd. As to Haddon; He was put out in less then a years time, & reckond an Intruder. besides the Actions of other men in departing from y^e^ Statt of y^e^ Coll, if any such have been, can be no precedent or inducement for me to doe y^e^ like. The founders statt are our rule, and not one irregular precedent 130 years since. Haddon after y^e^ statt & oaths were altered.

D^r^. Oliuer appears to have been duely elected. The few instances we have are argum^ts^ of our readynesse to comply with our prince when the person was otherwise qualifyd by Statute. And we are perswaded our readyness to yield all due obed. to our Soueraigns Com̃ands when requiring any thing of us consonant to our statt shall neuer be made use of to force our Consciences in other cases directly contr. thereto.

If said a readyer Complyance was expected from me.

Ans. My proceedings have not been disrespectfull to the K. in any particular from the beginning of this debate. I tooke early care to give his Ma^ty^ an acc^t^ of F's incapacity, & deferrd the election to the utmost: we were comanded to elect one y^t^ was unqualifyd, which when we could not doe, we had no inhibition to elect one y^t^ was qualifyd, we gave the K. early notice, and stayd y^e^ utmost time, which was all we could doe. My L^ds^, I am always willing to obey the K, tis my inclinac̃on & my intrest to doe so. I am not so well provided for in the world, as to throw my selfe rashly out of my fellow^sp^, And therefore y^r^ L^dsps^ can't thinke tis out of any Contumacy or disobedience y^t^ I refuse to submit, but out of real regard to my co[u]rse with relac̃on to the founders statt. and the rights of others.

My L^ds^, Is there roome for any farther address to the K^g^? If not, why then, My L^ds^, I can only hope y^r^ L^dsps^ will interpret my actions charitably, and make a fauorable representac̃on to his Ma^ty^.

If Expelled.

My L^ds^, I am not of y^t^ character & temper to stand out in opposic̃on to y^e^ K.; only beg leave to use all legal ways of being relieved.

Here give in y^r^ protest, desire it may be recorded & withdraw.

If required to sign any paper.

My L^ds^, I shall euer thinke the K.s displeasure the greatest misfortu e y^t^ euer befell me, but cant own my selfe faulty in hauing acted like n honest man. I have endeauord to behave myselfe with duty to l is Ma^ty^, & respect to His Com̃iss^rs^.

(*Braybrooke MS.*)

221.

1687, Nov. 12. Criticism on the foregoing by R. Aldworth.

Dear Br.

In yr paper yr Answer to ye first objection had better bee left out, for it may give offence,=but I hope that is not now ye Case=I am clearly for yr acting in this & all occasions according to yr conscience but there is a civility wch becomes men allways to pay to their superiors, & it never hurts men to answer modestly & with respect, tho' they bee never so hardly dealt with, but I need not mention this to you, it always being yr practice as well as opinion. I am wish[ing] you good success & am truly

Yr affectionate brother

Nov: 12 : 87. R : Aldworth.

(*Endorsed:*)—For Dr. Charles Aldworth at Magdalen Colledge in Oxford. (*Braybrooke MS.*)

222.

1687, Nov. 11. Election of new Fellows.

The King issues a Mandamus for Mr. Charles Goring and Mr. Thomas Higgins to be admitted Fellows.

(*See No.* 227.)

1687, Nov. 12.

The King's Mandamus issued for the admission of Mr. Fairfax, Mr. Robert Hill, and Mr. John Warburton as Fellows or Demies.

1687, Nov. 13th.

The King's Mandamus issued for the admission of Mr. Francis Haslewood and Mr. Lawrence Wood as Fellows.

223.

1687, Nov. 14. Continuation of Baron Jenner's Diary.

Set out from my own house to Leicester fields about eight. Lord Chief Justice, Self, and Dr. Hedges, in one Coach. Set out thence about eight.—Eat something in the Coach at Colbrooke:—drove to Henley in good time, all safe and well. Parkins, Barrow, and John went with me:—layed at a private House, one Mr. Glydewell, a Shopkeeper:—very well and slept so, only in concern about my errand.

Nov. 15. Set out after eight all well: arrived at Magdalen College about one: the Soldiers receiving us: some thing late before we got our dinner: slept afterwards:—then went out:—saw Mistress Holloway, Almond, Mr. Browne:—so home to supper:—so to bed, lodgings very good.

224.

1687, Nov. 15. Continuation of Dr. Smith's Diary.

The same Commissioners came to Town, being brought in by three troups of horse, and were lodged in the College.

That night I was sent for to the Lodgings by the Bishop of Oxford, not knowing in the least that the Commissioners were with him, (forbearing to visit him above once or twice at most upon his taking possession of the Lodgings, notwithstanding our intimate friendships many years before, which I then chiefly waved, to avoid all possible umbrage of me, so that I was surprised at the sight of them,) where we had but little discourse and that of indifferent things. Only before I took my leave Baron Jenner took me aside, and asked me very seriously, 'Dr, I pray you tell me when you delivered the petition of the College to my Lord President? I told him upon the faith of an honest man and a Christian that it was on Sunday the tenth of April. Afterwards the Bishop of Chester invited me to his Chamber, and asked me the same Question, which I answered word for word as before I did to Baron Jenner. He further asked when I had my answer. I told him on Wednesday the 13th of April, and that I would attest it upon oath if there was any doubt or denial of it.

This brought into my mind what the Vice-Chancellor, Dr. Ironside, told me that in a discourse the King was pleased to have with him, when he was in Oxford in September, about our College, his Majesty aggravated the undutifulness and rudeness of the Fellows in not petitioning him and representing our case to him before the Election. The Vice-Chancellor interposing said that he had heard that we had done it. The King answered, 'Ay, after the Election was over.' This seemed demonstration that the Earl of Sunderland did not deliver our petition in good time, (and) which I concluded fully was the reason why Baron Jenner and the Bishop of Chester were so inquisitive to know the exact time from me.

The Bishop of Chester told me that I had a great enemy in the Cabinet Council, called just before they came away. I asked him who were present, he said, the Lord Chancellor, the Lord President, the Lord Privy Seal, the Marquis of Powis, Father Petre, the Earl of Castlemain, and I think he said, Bishop Leybourn. He would not tell me who the Lord was, but left me to guess, as I did easily. But he said that the King was pleased after all to say that he was fully satisfied as to my behaviour.

In the interval between the Commissioners going away and their return, I was soon convinced that the Fellows were encouraged to persist in their opposition to the King by several great men at London:—that they should be taken care of in case that they were expelled:—that they would be looked upon as Confessors for the Protestant Religion, and such like plausible arguments, with which they were wrought upon. So that it was very easy to foresee that upon their non-submission, the Commissioners came with full powers to expell them.

(*Cobbett*, col. 69, 70.)

225.

1687, Nov. The King's Instructions to the Visitors of St. Mary Magdalen College in Oxford.

The King having seen an account of the Proceedings of the Visitors of St. Mary Magdalen College in Oxford, his Majesty cannot think that

the Paper given in on the 25th of October by some of the Fellows, being their pretended submission, is such as the Visitors ought to have been satisfied with, much less with that delivered on the 28th, wherein they rather justify their disobedience and contempt than any way show their submission, which they ought to have done by asking his Majesty's Pardon, and by acknowledging the authority of the Visitors, and the Justice of their Proceedings. And therefore his Majesty thinks fit that the Visitors at their return to the College do summon all the Fellows of the same to appear before them, and do endeavour to make them as sensible as they can of their offences from their first challenging the King's Mandate till this time, which the Visitors should let them see to be so heinous that if they had not yet a great consideration for that Foundation, they should think themselves obliged immediately to expel them, but having a concern for them and being desirous to preserve them, they do yet offer that if they will make such a submission as their offences require they will pass by their former faults, which submission ought to be in the following words:—

'To the King's most excellent Majesty the humble Petition and Submission of the Fellows of St. Mary Magdalen College in the University of Oxford, whose names are subscribed.

'May it please your Majesty. We your Majesty's most humble Petitioners having a deep sense of being justly fallen under your Majesty's displeasure for our disobedience and contempts to your Majesty, and the authority of your Majesty's Commissioners and Visitors, we do in all humility prostrate ourselves at your Majesty's feet, humbly begging your Pardon for our said offences, and promising that we will for the future behave ourselves more dutifully, and as a testimony thereof we do acknowledge the authority of your Majesty's said Visitors, and the Justice of their Proceedings, and we do declare our entire submission to the Bishop of Oxford as our President.'

This Submission his Majesty allows the Visitors to accept of from the Fellows as an expiation of all their former disobediences and contempts, but such as shall refuse to sign the same ought to be immediately expelled for their obstinacy.

His Majesty would also have the Visitors strictly examine into the management of the College affairs, and see whether matter may not be found sufficient for a *Quo Warranto*.

(From Baron Jenner's *MS. Note Book*, partially given in the *Impartial Relation*, 2d Ed.—The *Form of Submission*, given also by Johnston, p. 112.)

226.

1687, Nov. The King's Instructions, continued.

His Majesty thinks fit that the Visitors do despatch all they have to do at one sitting, and accordingly they are to ask the Fellows, as soon as they have opened the matter to them, one by one, whether they will sign this Submission which is to be immediately offered to those who are

willing, and such as shall refuse to be commanded to withdraw in order to their expulsion.

The absent Fellows are to be looked upon as guilty and proceeded against accordingly.

(Baron Jenner's *MS. Note Book*).

Baron Jenner proceeds 'Upon which instructions we set out on Monday the 14th, and laid at Henley that night, and the next day being the 15th we got to the College about 2, where we laid that night, and the next morning being the 16th, we went to Court. The B. (Bishop Parker) not well.'

227.

1687, Nov. 11th. Form of election of new Fellows.

James R. Right Reverend Father in God, Right Trusty and well beloved, and trusty and well beloved, we greet you well: Being informed that there are two Fellowships now vacant in St. Mary Magdalen College by the expulsion of Dr. Fairfax, and the death of Thomas Ludford, and having received a good character of the Learning and Sobriety of our trusty and well beloved William Joyner and Job Allibon[1], we have thought fit hereby to authorize and require you forthwith to admit the said William Joyner[2] and Job Allibon into the Fellowships lately enjoyed by the said Dr. Fairfax and Thomas Ludford, with all the Rights, Privileges, and Profits, Perquisites, Emoluments, and Advantages whatsoever thereunto belonging, without administrating to them any oaths but that of a Fellow: any Law, Statute, Custom, or Constitution to the contrary notwithstanding: with all which we are pleased to dispense in this behalf, and for so doing this shall be your warrant. Given at our Court at Whitehall the 11th day of November, 1687. In the third year of our Reign.

By his Majesty's Command. Sunderland P.

(*Johnston.*)

228.

1687, Nov.

The Lords Commissioners, having in this interval of time communicated their Proceedings to his Majesty, and, by his appointment, to the rest of the Lords Commissioners at Whitehall; the three Lords Com-

[1] The grandfather of this Job Allibon or Allibond, was Peter Allibon, a learned Divine, Rector of Cheynies, who had three sons, John Allibond ('the witty man of Magdalen.' See *Reg. of Instructors in Grammar*, p. 156), Peter A., of Lincoln College, and Job, who changed his Religion to that of Rome. This Job was Father to Sir Richard Allibon, one of the Justices of the King's Bench, and the intruded Fellow, Job Allibon, both members of the Church of Rome. See Wood's *Athenæ*.

Job Allibon became a Student in the English College of Douay 30 Dec. 165? aged 14, where he took the name of John Ford. He afterwards received Orders, an lived several years as a Missionary Priest in England, and died soon after 170 He was of an ancient family at Wardenton near Banbury in Oxfordshire, where h grandfather, Peter Allibond, was born. He was sometime Rector of Cheynies i Buckinghamshire, where he died 6 March, 1629. See Dodd's *Church History* vol. iii. p. 458.

[2] Of William Joyner, see *Register of Demies*, vol. ii. p. 144.

missioners Visitors took their journey to Oxford, where upon the 15th of November they arrived. (*Johnston.*)

229.

1687, Nov. 16. Proceedings of the Commissioners.

(*At nine oclock in the morning.*)

Proclamation being made, the Statute-Book and Buttery-Book were ordered to be brought in. Then Mr. William Joyner, and Mr. Job Allibon were called, and the Mandate for their election was ordered to be read. This being done the said Mr. Joyner and Mr. Allibon were admitted Fellows of the said College, taking only the oath required by their Statute-Book to be taken at the admission of a Fellow, and their names were entered into the Buttery-Book.

Then the Fellows were called in, except those hereafter to be mentioned, and Dr. Younger, who was excused, being in waiting upon her Royal Highness the Princess of Denmark. Several Certificates were produced to excuse Mr. Charles Hawles, Mr. Edward Maynard, Mr. John Hicks, Mr. Thomas Goodwin, Mr. Francis Smith, Mr. Robert Holt, and Mr. Robert Thornton.

The Fellows being thus convened, the Lord Bishop of Chester made the following speech:—

Bishop Cartwright's Speech.

Gentlemen, your undutiful and, I might say, your ungrateful behaviour towards his Majesty, for six months last past, your obstinate, froward, and unreasonable stiffness to so good and gracious a Prince, was that, which brought this present visitation upon you; which how great a sin it was against God, whose vicegerent you have contemned beyond all moderation and reason, how great a scandal to our religion, how great a stain to the liberal and ingenuous education, which this Society would afford you, and how very mischievous it will be to yourselves at last, I endeavoured to convince you at the first opening of our Commission. Since which time some of you have been so unreasonably inconsiderate and obstinate, as to run yet farther upon the score of his Royal Patience and Pardon, for which you are now to receive the just and necessary animadversions of this Court, that the Honour and Authority of the King may be vindicated, and the Peace of Church and State may not be endangered by your impunity, or our connivance at this your petulant humour, and contumacious behaviour.

No subjects can be wise or safe, but they who are so sincerely honest, as to take all fair occasions of doing their Prince acceptable services, and executing his will. Reputation abroad and Reverence at home are the pillars of safety and sovereignty. These you have endeavoured as much as in you lies to shake, nor can the King hope to be well served at home, or observed abroad, if your punishment is not as public as your crimes.

No Society of men in this or the other University ever had so many malcontents and mutineers in it, as this College. Your continual

clashings and discords, sometimes with your President, at other with your Visitor, and so frequently among yourselves, ever since his late Majesty's happy Restoration, have been too public to be concealed. I have more than once heard your late Visitor of pious memory[1] bewail the great unhappiness of this Noble Foundation, in being overstocked with a sort of men, whom a wantonness of spirit had made restless and unquiet, who would never be satisfied, whose disease was fed by concession, and then most violent, when they knew not what they would have. You have been long experienced in the methods of quarreling with your Visitor, President, and yourselves, and by these steps you are at last arrived to the top and highest degree of insolence, which is to quarrel with your Prince, which as it dishonours your Religion, so it proclaims your pride and vanity, for every disobedient man is proud, and would obey if he did not think himself wiser than his governor. You have dealt with his Sacred Majesty, as if he reigned only by courtesy, and you were resolved to have a King under you, but none over you, and till God give you more self-denial and humility you will never approve yourselves to be good Christians, or good subjects, whose patience and petitions are the only arms they can ever honestly use against their Prince.

You could not be ignorant of the King's being your Supreme Ordinary by the Common Law of this Land, of which the Statutes are not introductory but declaratory. You have read what Bracton (who was Lord Chief Justice of England for twenty years in Henry the Third's time) says *de leg. lib.* 1. c. viii. v. 5. *Nemo de factis suis præsumet disquirere, multo minus contra factum suum venire.* Now his Majesty on the 8th of April sent his Letters Mandatory to you to elect and admit one Mr. Farmer into your President's Place then void by the death of Dr. Clarke, your late President, whom the 10th of April you represented to his Majesty as incapable of that character in several respects, and besought him, as his Majesty should think fittest in his Princely wisdom, either to leave you to the discharge of your duty and consciences according to his late Gracious Declaration, and your Founder's Statutes, or to recommend such a Person who might be more serviceable to his Majesty and the College.

This Paper was delivered to my Lord President the tenth of April, and on the fifteenth of April, without expecting his Majesty's answer, as your hypocritical Submission would have persuaded all charitable men to believe you did and would expect, in contempt of his former Mandate, which had the force of an Inhibition, you proceeded to elect Dr. Hough for your pretended President. Upon the first notice whereof, on the sixteenth of April my Lord President sent a Letter by his Majesty's command to the Bishop of Winchester not to admit him. But they, who have ill designs in their head, are always in haste, by which you surprized your Visitor, which occasioned my Lord President on the twenty-first of April to write another to you, to let you know how much the King was surprized at your proceedings, and that he expected an account of it. Then were you cited before the Ecclesiastical Commissioners at Whitehall, where upon mature deliberation and a consultation had with the best Common Lawyers and Civilians, Dr. Hough's election was declared void the 2d of June, and he amoved from the same by their Lordships' just sentence.

[1] George Morley, Bishop of Winchester 1662–1684.

Of this you were certified by an Instrument under the Seal of the Court, of the same date, affixed to your College gates, which being disobeyed, you were once more cited by an Instrument of the first, to appear before their Lordships on the twenty-ninth of July to answer your contempts. You pretended when you came before their Lordships that you were deeply affected with the late sense of his Majesty's heavy displeasure, and begged leave to prostrate yourselves at his Royal feet, offering all real testimonies of duty and loyalty, as men that abhorred all stubborn and groundless resistance of his Royal Will and Pleasure. So said, and so done, had been well, but you were resolved, it seems, to give him nothing but good words, and that your practice should confute your profession. I wish you had known in time as well as you pretended to do how entirely your welfare depended upon the countenance and favour of your Prince; it would then have been as great a grief to you to have disobeyed his Majesty's commands, as it was a guilt, and will be a punishment, both in this life and that to come, if not repented of in time. On the fourteenth of August his Majesty signified his will and pleasure to you by his Letters Mandatory, and thereby authorized and required you forthwith to admit the Bishop of Oxford into the place of President, any Statute or Statutes, Custom or Constitution to the contrary notwithstanding, wherewith he was graciously pleased to dispense, to which he expected your ready obedience, but all in vain, for to your shame be it spoken, you had done an ill action, and resolved to set your busy wits on work to defend it.

And conscience, the old rebellious topic, must be called in at a dead lift to plead for you. But you are not the first who have mistaken a humour or a disease for conscience. Your scruples were not such, but that they might, without sin, have been sacrificed to your Prince's pleasure as a Peace-offering to the Father of your country, to your Mother Church, and to the good of this and all other such charitable Seminaries of good Learning and Religion, and men as wise as you perhaps may think yourselves will be of opinion that they who are too tall to stand, and too stubborn to bow, deserve to be broken. One would have thought that his Majesty's patience after so many and great provocations as these, should have made a way to your hearts through your brains, and made you ashamed of your obstinacy, and in love with obedience before now. But you have deceived his and all good men's expectations still. Insomuch that on Sunday the Fourth of September his Majesty sent for you to attend him at Christ Church, and commanded you to admit the Bishop of Oxford your President without any further delay or pretence. You say it was to elect him, which sounds like the rest of your sophistry, for you well know that admission would have satisfied him, for which you had his written Mandate lying by you, which would have determined that scruple. But the truth of it was, you had resolved, as time, the best expositor of men's intentions, has discovered, to persist in your obstinacy till you had convinced him and others that you were none of the Good Centurion's Servants, for instead of complying with his Majesty's pleasure, you went back to your Chapel, where you should have learned and paid more devotion, and signed a Paper containing a direct and disobedient refusal. Which peevish carriage of yours to your Prince, from one end to the

other, is such a composition of folly and frowardness as was little deserved by so good and gracious a King. There ever went a miraculous Power of Conversion with his Royal Presence wherever he came in his whole Progress, but here. He convinced all such as he discoursed with of the justice and equity of his Proceedings. Yourselves excepted, no body of men ever departed unsatisfied from him, but that they departed from the blessing of enjoying his Royal Presence no longer. And I must confess I do not see how it is possible to do any thing more in point of Honour, Conscience, Clemency, Justice and Royal Tenderness, for the preservation of this Society and every member of it, than what his Sacred Majesty hath already done in spite of your disobedience and contumacy, and yet he was, and is still, resolved to continue his Princely Piety and goodness to all those who shall no longer pretend to make it a sin against conscience to return to their obedience to him and to those whom he has set in lawful authority over them, of which I gave you a full account at the first opening of our Commission on Friday, the twenty-first of October, in your College Hall, as you may well remember.

On Saturday, the twenty-second of October, we required you to admit and install my Lord of Oxford according to the King's Mandate to you before directed, which all but three of you refused again to do, and gave your pretended reasons for it in the morning; and in the afternoon Dr. Hough, though before expelled, came in without leave, but not without attendance and followers unbecoming his circumstances, and appealed from what we had done, or should do, as illegal, unjust, and null (by word of mouth, and not in writing, nor with the decent *salvos* of all other appeals), which was applauded by a loud tumultuous and insolent Hum, to affect the Populacy to the espousing of your cause, for which open breach of the Peace Dr. Hough was bound over to the King's Bench, and if most of you had not been better pleased with that insolent behaviour than became you, and indeed accessaries to it, if not actors in it, you might and would have discovered the turbulent persons who had been guilty of it.

On Tuesday, the twenty-fifth of October, we ourselves caused the Bishop to be installed by his Proxy, and we then asked you whether you would submit to the Bishop as your President, now installed by the King's Mandate, *in licitis et honestis*? To which all that were present, except Dr. Fairfax, gave in an answer *in scriptis* in the affirmative, and requested us to represent you as dutiful to his Majesty in the highest degree, but from this good resolution you quickly fell, for on Friday the twenty-eighth of October, when we advised you to make a humble Submission to his Majesty according to the nature of the offence, it had so ill an effect upon you, that after an hour's consideration or more, you brought us down a Paper signed by all but two or three of the Fellows then present, which seemed to us to be rather a Protestation against your former submission than a Begging of the King's Pardon for your p t offences: and that you might clear yourselves at least from any the le t suspicion of that which looked like repentance or obedience, you desi l to withdraw or expound your Submission, which you made in writing e Tuesday before, and to limit the word Submission to the King's Author. telling us plainly that you did not, and could not, submit to the Bishop f

Oxford as your lawful President. With the insolent justification of your continued disobedience we were deeply affected and astonished, and though we might then justly have expelled you, yet we forebore, and went back to London to acquaint his Majesty with your carriage, who resented it according to your demerits. He who is too proud to ask God and the King pardon deserves neither. I am sure the best of us need both. I wish it had been in our power to have persuaded you then, so to have moderated yourselves as to have sacrificed the most disingenuous arts of contention to the safety and honour of the Christian Religion, and not to have pursued your little scruples, and great animosities, to the evident hazard at least of bringing a scandal on it.

I hope that I have said enough to convince you that the Fig-leaves, which you have stitched so artificially together, will not cover your nakedness. You pretend conscience of your Oaths, among which that of Allegiance and Supremacy ought not to have been forgotten. But Partiality in Duty is a great symptom of hypocrisy. You dispense with your own oaths yourselves, and make too bold with some parts of your Founder's Statutes, in which I have instanced, and could do in more, as in that wherein you are bound to be served *solum per masculos*, for want of which we found some scandals to have been brought upon the College by bastard children; and will you not suffer the King, who alone hath power to do it, to give you a Dispensation in others? Can he, who is so tender of his Honour, put up with such indignities as these? And can we who are entrusted with the vindication of it, suffer this to go unpunished? I wish that you had half so much kindness and charity for yourselves, and so great a consideration of the happiness of this Foundation, as his Majesty and the Commissioners have already expressed in their dealings with it. The Justice and Equity whereof, if you do not, all good men will proclaim. I need not remind you of putting in some papers under your hands, which would have been aggravations of the former contempts, which upon better thoughts you desired, and we gave you leave, to withdraw. What other men, who are led by populacy, which is the Fool's Paradise, but the wise man's scorn, say of us while we are doing our duty to God and the King, we value no more than what they dream of us, for we set a greater estimate upon our duty than other men's thoughts, and will discharge our consciences faithfully, whatsoever becomes of our credit. We can allow those who are disaffected to the Crown and to the Church of England to talk of us at their own rate. We shall vindicate the King's authority, and redeem it from contempt by all just and lawful means. But yet, gentlemen, the great concern we have for you, and our earnest design to rescue you out of danger, if you are not sturdily resolved to cast away yourselves, obliges us to offer you once for all, that if you will freely and presently make such submission to his Sacred Majesty, as the heinousness of your offences does in our judgement require, we will pass by your faults, and recommend you heartily to God's and the King's mercy, and accordingly we require the Deputy-Register to read the Form of such a submission to you, as the Court upon mature deliberation hath judged necessary for them to expect and require in point of Justice as an expiation for all the former disobedience and contempts of which they have found you guilty, which they that are willing and well

resolved may immediately sign, and the rest of you are commanded to withdraw, except Dr. Thomas Smith and Mr. Charnock, with whose good behaviour towards his Sacred Majesty, in the concern before mentioned, we declare ourselves to be well satisfied, and doubt not but that his Majesty will be so too, when we shall have further occasion to represent it to him.

[*End of Bishop Cartwright's Speech.*]

After the Bishop's Speech all were ordered to withdraw, except the Fellows, and the Form of Submission, as given above, was ordered to be read to them. The Bishop then told them that their Subscribing the same was the only means that could recommend them to his Majesty's favour. But all the Fellows, to whom the said Submission was proposed, being severally asked the Question, peremptorily refused to subscribe. Mr. Thompson desired to be excused from subscribing, for that he had given his voice for Mr. Farmer, and had not concurred with the Society in any thing they had done since in this business, and declared that he had never been disobedient, nor ever would be, whereupon their Lordships excused him.

Dr. Aldworth desired in the name of himself and the Fellows time to consider of the Submission, and give their answer in writing, to whom the Bishop of Chester said, they must every one sign or refuse as they were called: and Baron Jenner said, there was no answer to be given but Yea or No. They all moved again for time, but it was denied: then Dr. Aldworth said, 'My Lords, this is my first appearance before your Lordships since your sitting here, therefore I pray to be heard.'

'My Lords, I am as ready to comply with the King's pleasure as any man living, neither do I know that we have ever in this place been disobedient to the King, whenever it was in our power to obey his commands. Our Founder, in the first clause of the Oath we take at the election, hath provided that no one shall be President of this College, but who was bred in this, or in the College wherein he himself was bred. Now for us, who have elected Dr. Hough, a Person qualified according to our Statutes, who hath been installed, sworn, confirmed and approved of in all the ways and manners prescribed in the Statutes: for us, my Lord, to accept and admit a Stranger and a Foreigner in his place, is to the best of my understanding a giving up the Rights of the College to other uses than the Founder designed it.'

Here Dr. Aldworth was interrupted by the Bishop of Chester saying, the Statutes were over-ruled by the King's Authority, or words to that effect. To which the Doctor answered, 'Your Lordships sit here as Visitors, which implies that there are certain laws and Statutes, which we are bound to observe, and by which we are to be governed, and if it shall appear to your Lordships that we have acted conformably to those Statutes, I hope that we shall neither incur the King's displeasure nor your Lordships'. The whole Tenor of our Statutes run, that we should inviolably maintain our right, and observe the rules of our Founder. He has laid his curse upon us if we vary from them.' Here he repeated the words, Ordinamus sub pœnâ Anathematis et Indignationis Omnipotentis Dei ne quis etc. Item sub interminatione Divini Iudicis Interdicimus.

To which the Bishop of Chester replied, Are you not to obey the King as well as your Founder's Statutes? To this the Vice-President answered, I ever did obey the King, and ever will do. Our Statutes which we are sworn to are confirmed by several Kings and Queens before and since the Reformation, and as we keep them are agreeable to the King's Laws, both ecclesiastical and civil, and whilst we keep up to them we obey the King. The Bishop of Chester replied, The Statutes were never confirmed by his present Majesty. To which Dr. John Smith said, Neither have they been repealed by his Majesty, and what is not repealed is confirmed. After this, their Lordships pressing either to sign or refuse, Dr. Aldworth said, My Lords, I will deal plainly in regard to my oath and the Statutes, to the Right of all our successors, and of Dr. Hough, whom I believe to be as fairly elected and as legally possessed as ever any since the Foundation of the College. I cannot submit to the Bishop of Oxford as President. So he was ordered to withdraw.

After this the same Question was put to all the Fellows singly, who all refused to sign the Submission except Dr. Thomas Smith and Mr. Charnock, who were not pressed, having, as their Lordships said, behaved themselves dutifully towards the King. Mr. Thompson desired to be excused from subscribing, for that he had given his vote for Mr. Farmer, and had not concurred with the Society in any thing they had done since in this business, and declared that he had never been disobedient, nor ever would be. Then their Lordships produced a Petition sent to the Earl of Sunderland upon the Report of the King's Mandate for Mr. Farmer, which he had signed, and therefore pressed further his subscribing to the Petition. This he owned, but said it was before the King's Mandate was produced, but after it was shown at the election he voted for Mr. Farmer in obedience to the King's Command, and promised to obey the Bishop of Oxford, whereupon their Lordships excused him.

Then the Lords called for the Buttery-Book, and caused all the names of those Fellows who refused to subscribe to be struck out, and the Fellows so struck out being called in, the sentence of expulsion was read to them. (*Johnston.*)

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1687, 16 Nov. Rough notes by Dr. Hedges, written down as the proceedings recorded were taking place.

16 Nov. 67, [1687]. Dr. Farfax's sentence of expulsion was fixed on ye gates at 8 of clock.

Wednes. m. 9. Proclam.

Ch. When ye Stat. P[roclam.]

What Mr. Cudfords Xtian nam.

K. Thomas.

Call for ye buttery booke,

brought in.

Mr. Wm. Joyner & Mr. Job Allibon called,

they appear.

ye King's mandate read for them to be admitted in ye 2 places void, dispencing with all Oaths but yt of a fellow.

they read ye oathe of a fellow togather, & while reading

Will. Joyner's name called in y^e^ book, in Dr. Fairfax his place.

Mr. Job Allibon admitted in y^e^ place of Mr. Cudford at y^e^ lower end of y^e^ Fellows nams.

bp. Ch. by virtue of y^e^ King's Authority we admit you fellows of this Coll. Mr. Joyner into Dr. Fairfax, Mr. Allibon into Mr. Cudford's places.

y^e^ Fellows called

Dr. Ch. Aldworth, ap[peared].
Dr. Alex. Pudsey, ap.
Dr. Jo. Younger, excused.
Dr. Tho. Smith, ap.
Dr. Jo. Smith, ap.
Dr. Tho. Bayly, ap.
Dr. Tho. Stafford, ap.
Mr. Ch. Hawly.
Mr. Robert Almond, ap.
Mr. Manw. Hammond, ap.
Mr. Jo. Rogers, ap.
Mr. R. Strickland, ap.
Mr. Edward Maynard, sick.

A certificate produced by Mr. Dobson, sworn, knows not y^e^ hands y^t^ certifye, can depose nothing farther but y^t^ hath a letter from Mr. Maynard, & knows his hand.

Mr. Hen. Dobson, ap.
Mr. Ja. Bayly, ap.
Mr. Jo. Davis, ap.
Mr. Fra. Baghlaw, ap.
Mr. Jo. Hicks, sick;

A certificate produced by Mr. Harwar from severall persons, but knows not y^e^ hands.

Mr. Jasp. Thomson, ap.
Mr. James Fairer, ap.
Mr. Jos. Harwar, ap.
Mr. Tho. Bohmant, ap.
Mr. George Hunt, ap.
Mr. Wm. Cradock, ap.
Mr. Jo. Gillman, ap.
Mr. Geo. Fullam, ap.
Mr. Ch. Peniston, ap.
Mr. Tho. Goodwyn, sick.
A certificate from Dr. Tarer. [?]
Mr. Robert Hide, ap.
Mr. Edw. Yerbury, ap.
Mr. Fra. Smith, travelling.
Mr. Robert Holt, abs.
Mr. Robert Thornton, abs.
Mr. Hen. Holden, ap.
Mr. Robert Chadnock, ap.
Mr. Stephen Wilke

y^e^ lunatick person hath his allowance.

Mr. Hooper.

y^e^ bp's speach.
Gentlemen, is & ar obstinat stiffnes
6. months past brought visit. a sin. contemn'd his
a stain to ingen. education endeav to con
at y^t^ opening Comission. so
obstinat to run on score his Ma^ty's^ clem none
safe but such as willing to do him service reputation,
bracton. lib. 1. de legibus & accordingly
require y^r^ Registrar to read a form of their submission.
withdraw all but y^e^ fellows.
y^e^ submission & petition read.
Dr. Aldworth y^e^ first time appeared will obey lo. power never did otherwise, they y^t^ have done according [to] y^e^ tenor of y^e^ Statutes vnder y^e^ penalty of Anathema.
of y^e^ proceedings.
y^e^ Statutes confirmed by severall Kings.
not confirmed by this King, or his brother.
y^e^ Judgement above.
In regard to any oath.
y^e^ rights to others & Dr. Hough. cannot submit to y^e^ Bp. of Oxon.
Dr. Aldworth withdraws.
Dr. Pudsey. would sign so as to admit, but not y^e^ paper.
Dr. Jo. Smith, cannot sign.
Dr. Bayly, similiter.
Dr. Stafford, similiter
Mr. Hawly, absent.
Mr. Robert Almond, cannot sign.
Mr. Hammond, similiter.
Mr. Jo. Rogers, similiter.
Mr. Rog. Strickland, similiter.
Mr. Hen. Dobson, similiter.
Mr. James Bayly, cannot obey y^e^ bishop as president.
Mr. Jo. Davis, cannot subscribe.
Mr. Thomson, cannot own himself disobedient to y^e^ King nor ever will be.
Mr. Fayrer cannot subscribe, owns no president but Dr. Hough.
Mr. Hunt.
Mr. Cradock.
Mr. Gilman, cannot subscribe.
Mr. Fullham, similiter.
Mr. Peniston, similiter.
Mr. Goodwyn, sick.
Mr. Holden, cannot subscribe.
Mr. Wilks, cannot subscribe.
Mr. Tho. Holt, answers y^t^ he cannot nor will obey y^e^ bp. of Oxon. he gave in y^e^ paper for y^e^ demies, but did not intend by y^t^ to submit to y^e^ Bp. of Oxon.
whereupon they were ordered to withdraw.
The fellows & all y^e^ members of y^e^ house called in. ye Court considered of the[ir] condition & order sentence to be read.

Whereas it appeared vnto us in our visitation of y^e^ said Colledge,
Withdraw.
Some of y^m^ return'd &
M^r^. Yerbury read a paper as followeth,
May it pleas y^r^ lordship, I do profess all duty to his Ma^ty^, & respect to y^r^ Lordship, but beg leave to declare I think myself injured in y^r^ Ldships proceedings & therfore protest against them, & will use all just & legall wayes of being reliev'd, sign'd with his name, severall did y^e^ same, & all desir'd y^e^ like to be entered.
Call in
M^r^. Walter Welch.
M^r^. Robert Hill.
M^r^. Goring, absent.
M^r^. Sam. Jenefar.
[M^r^.] Beniamin Mander, submits to y^e^ King & bp. of Oxon but desires to keep his place.
[M^r^.] Tho. Hanson.
M^r^. Tho. Higgins.
M^r^. Middleton.
M^r^. Farfax.

M^r^. Tho. Hanson desires to defer till afternoon, his father in town told [to] withdraw or to(?) , then said thought I cannot submit.
M^r^. Jennefar } sworn fellows.
M^r^. Higgins }
their names enter'd.

Bradley Whaly } admitted demies.
Walter Welch }
y^e^ rest appear'd not,
broke up without adiournment.

y^e^ Address.

To y^e^ King's most excellent Majesty.
The humble petition & submission of y^e^ Fellows of St. Mar. Magd. Coll. in y^e^ Vniversity of Oxon, whose names are subscribed.
May it pleas y^r^ Ma^ty^ we y^r^ Ma^ty's^ most humble petitioners having a deep sense of being justly fallen under y^r^ Ma^ty's^ displeasure for our disobedience & contempt to y^r^ Ma^ty^, & to y^e^ Authority of y^r^ Ma^ty's^ Commissioners & Visitors, we do in all humility prostrate our selfs at y^r^ Ma^ty's^ feet, humbly begging y^r^ pardon for our said offences & promising y^t^ we will for y^e^ future behave our selfs more dutifully, & as a testimony thereof we do acknowledge y^e^ Authority of y^r^ Ma^ty's^ said Visitors & y^e^ justice of their proceedings, & we do declare our entire submission to y^e^ L^d^. B^p^. of Oxon as our president.
Tuesday 8.
Proclam. y^e^ names of y^e^ Fellows & chaplains called.
some absent as before.
D^r^. Stafford gave in a paper.
Bp. will you set y^r^ hand?

St. all present will sign it.
Withdraw to consider.
Mr. Wickens called in.
The fellows called in.
Dr. Stafford desir'd to withdraw his paper.
Bp. not yet.
ye proxy read & desired to admit him in ye stall in ye Chappell, so went thither.
Dr. Pudsy refused.
Dr. Smith, My Ld. with all submission to ye King's authority & theirs.
Not in his power. they may do it. only obliged to obey in licitis & honestis,
not without a rule out of Chancery or King's Bench to save harmeles.
in ye chappell sd. Bp. ch. G. Sr. T. Jen., Mr. Lee, Installed. Mr. Wickens for ye Bp. of Oxon, ye president's oath read, and ye oath of Allegiance & Supremacy.
adjorn'd to ye president's lodging, ye door shut.
adjorn to ye Common room, orderd ye door to be forc'd open.
Dr. Fairfax gave in a paper, which to effect as yt before & denying ye foresaid.

Dr. Fairfax asked if [he] would submit to ye Bp. of Oxon as president.
R[*esp*]*ond*[?], I will not nor can.
Dr. Pudsy, he could not.
Dr. Smith, will obey ye person in licitis, yt ye King hath put over them.
They desire to ye afternoon.
allowed.

Bp. how many fellows.
Fell. 38, Dr. Hough & Mr. Cudeford void.
ye buttery book brought in.
Tho. Ld. Bp. of Oxon president entered.
one demy void.
ye chaplains called.
is ye Stat. in a publick place?
A. it is read 3 times in ye year.
have you any gift? what allowance given?
how applyed?
ye King's Inhibition to ye Colledge dated 18, July [16]87.
read,
who chosen demy or fellow since ye inhibition?
A. Admitted Mr. Holden whose probationers q. & he expelled by Statute, if not admitted.
The Registrar's books asked for.
a smith run away.
Dr. Stafford desired his paper again, & so delivered.
they have time to answer ye first q. till 9 of clock.

Dr. Fairfax called in, his paper read, desired to explain.
do you own ye power of visiting?

Ans. under correction, I do not.
will you submit to y^e^ Bp. of Oxford?
No, no legall president, we have one.
y^e^ butler called with y^e^ bo[ok].
hath Dr. Fairfax battled as fellow?
A. he hath battled.
y^e^ Cook called.
hath he had commons?
Dan. Yates sworne, says he had commons charged to y^e^ house.
3. cl. Proclam.
y^e^ absent fellows called.
D^r^. Aldworth called, absent.
can [be] absent but 2 mo[nths] without leave of y^e^ president, 6 seniors & y^e^ officers.
D^r^. Jo. Smith, ap[peared] not, sick in y^e^ country, 9 miles of.
Henry Hollyoake, sworn, he cannot depose y^r^to, it would be to the prejudice of health coming hither.
M^r^. Rich. Strickland, hath a parsonage in y^e^ country, 18 miles of, went thither about a fortnight ago.
M^r^. Edw. Maynard, chapl. to y^e^ ld. Digby, 60 miles of, with leave.
M^r^. Thomson in y^e^ King's service.
M^r^. Fayrier, his father dead a fortnight sinc, 30 miles of.
M^r^. Harwar, present.
M^r^. Fulham, present, came 40 miles.
M^r^. Robert Hide, absent.
M^r^. Edw. Yerbury absent with leave a fortnight, his father sick. In Warwickshire, with leave.
M^r^. Robert Thornton—absent [with] leave.
M^r^. Fra. Smith, beyond sea 3 or 4 y[ears], travelling [with] leave.
D^r^. Farfaix.
D^r^. Pudsey.
D^r^. Smith.
D^r^. Bayly.
D^r^. Stafford.
M^r^. Hawley.

withdraw.
y^e^ fellows called in.
D^r^. Farfax stands to his paper, all y^e^ rest submit so far as lawfull &c.
To y^e^ Chaplains.
Do you submit in licitis & honestis?
Submit so far as agreeable to law & y^e^ statutes of y^e^ College.
The Demies.
Similiter.
The Steward,
Submits in licitis & honestis.
M^r^. Collins } submit.
M^r^. Wright }
y^e^ Colledge servants similiter.
only Robert Gardener submits not.

. . . says must submit.
The Choristers submit.
form. submis.
Wheras his Majesty has been pleased by his Royall Authority to cause y^e^ R^t^. R^d^. Father in God Sam. Ld. Bp. of Oxon. to be installed President of this Coll., we whose names are hereunto subscribed do submit as far as it [is] lawfull & agreeable to y^e^ Statutes of y^e^ sd. Coll.

D^r^. Fairfax's sentence.

he. & all y^e^ rest called in.
Whereas you have per contrarily refus'd.
D^r^. Fairfax gave in a paper of appeale.

y^e^ under porter called in.
y^e^ appeale overruled.
y^e^ porter said no.
his place vacated(?) to depart y^e^ Coll. in 3 days.

Friday morning 7 . . 8.
Proclam.
Withdraw.
D^r^. Pudsy.
D^r^. Smith, was for not going to election so needs not address.
D^r^. Bayly.
D^r^. Stafford.
M^r^. Hollis.

M^r^. Hough's place not void will about Xmas.
M^r^. Cudfords place void.
y^e^ rest of fellows called in.
B. said you have professed loyally.
A. they have addressed.

Whether can admit an absent person.
D^r^. H. supposes cannot, y^t^ never done.
Withdraw.

9 of. clock.
y^e^ fellows come in & deliver a paper.
they submit to y^e^ King's Authority but do not intend it should be understood so as to submit.

Geor. Fulham, a very ill man is disob. to y^e^ King's Order of obeying, w^t^ done agreable to oaths & under cannot confess a crime or fault where is none, y^t^ did obey to y^e^ utmost of his power, & y^t^ y^e^ lords having accepted of y^e^ submission delivered in on tuesday, I humb[l]y conceive y^t^ y^r^ ldships honour is engaged, y^t^ nothing farther should be required of him.
D^r^. Pudsy refers to y^e^ paper of submission.
Dr. Bayly, y^t^ when he said submit, y^e^ word submit was to be understood with reference to y^e^ King's Authority which is before mentiond, y^t^

he did not intend it as a submit to y^e^ Bp. as lawfull president, & y^e^ rather because it was said by Court y^t^ y^e^ Bp. is president by possession & not by right.

ask'd if [he] would obey in licitis & honestis?

A. y^t^ he cannot.

D^r^. Stafford refers to his paper.

M^r^. Almond, he cannot.

M^r^. Roge[r]s, says as D^r^. Bayly.

M^r^. Dobson, cannot submit.

M^r^. James Bayly, as D^r^. Bayly.

Mr. Jo. Davis.

M^r^. Hammond, cannot submit to him.

M^r^. Bagshaw, cannot submit to him as president.

Jos. Harwar, similiter.

Geo. Hunt, similiter.

M^r^. Bateman(?), similiter.

W^m^. Cradock, desire to be excused all obedience, till D^r^. Hough hath tryed his right, he cannot, & says as Dr. Bayly.

M^r^. Gillman, cannot obey as president.

M^r^. Gilman, cannot obey him.

Hen. Holden, similiter, as D^r^. Bayly.

M^r^. Fullham says y^t^ not comply, put in but by violence, should have been by y^e^ posse comitatus of (?) Oxf.

Hen. Holden, y^e^ same opinion as D^r^. Bayly.

M^r^. Weelks, y^e^ similiter.

M^r^. Peniston, refers to his answer on tuesday.

M^r^. Fulham, wheras you have contemnd y^e^ authority of this court in giving opprobrious language we do therefore suspend you during y^e^ King's pleasure & whereas severall of y^e^ fellows absent, who in contempt, we are unwilling to proceed against, we order y^t^ notice be given to all & each of them to repair to y^e^ Colledge, & give their appearance here on Wednesday 18 of November next at 9 of y^e^ clock in y^e^ morning.

D^r^. Smith, desires Mr. Fullam may retract.

Saterday.

y^e^ Lords met in y^e^ Common room, y^e^ fellows being present, ordered to withdraw.

y^e^ Steward sent for to bring y^e^ books of leases, &c. two books brought in.

y^e^ Butler sent for, orderd to bring y^e^ buttery book.

y^e^ Steward orderd to bring in y^e^ other books, & y^e^ book where D^r^. Fairfax made tenant in Berkshire.

M^r^. Wickins desir'd to come in, order'd y^t^ he come in, deliverd a proxy from y^e^ Bp. of Oxon.

he orderd to withdraw & attend in y^e^ cloysters.

y^e^ buttery book brought in.

y^e^ book concerning D^r^. Fairfax brought in by y^e^ Steward.

Steward to withdraw.

D^r^. Hough called, came in.

Bp. Ch. Said yesterday y^e^ sentence read, will you submit?

Dr. H. Not till heard, not yet heard, desires to be represented as a person standing on his just rights, but with full submission to his Maty. his Maty not informed. their petitions not come to hand. As to ye Decree of ye lords about nullity from beginning to ye end, as to wt relates to him, never having been cited, nor having ever appeared before them in person or by proxy. besides his cause it self never before them, their ldships never enquiring or asking one q[uestion] concerning ye legality & statutableness of ye election. for which reason I am informed, yt yt degree was of no validity against him according to methods of ye civill law; but if it had, I am possessed of a free hold according to ye lawes of England & ye Statutes of ye Society, having been elected as unanimously, & with as much formality as any of his predecessors, presidents of ye Colledge, & afterwards admitted by ye Bp. of Winton, ye Visitor, as ye Statutes of ye Coll. requir'd. Therefore I cannot submit to yt sentence, because I think I cannot be deprived of my free hold, but by course of law in Westminster hall, or by being some way incapacitated by ye founder's statutes.

Bp. of Ch. an ingenuous man deserves incoraging but not in contemning. he had notice as being a fellow.

Dr. H. not concern. hims[elf?].

Bp. what to struggle with a prince, so man leg(?). Westminster Hall open. you take upon you to judge.

Dr. H. so long as it appears unfit, not tyed up, if fit, tyed up. If had stayed had done well, obliged by oath to stay, no priviledge but by ye King's favour, they cannot deny the King's power.

ye Statutes give power &c. & to live under yt rule ye King's power not excepted. Corp. Christ. Coll. ye power of ye Pope & prince included, but not in theirs.

If an oath taken to observe Statutes, lawfull in themselves, no power can dispence with ye oath.

Dr. H. at his Maty's feet must submit but not to do any thing contrary to conscience. yr Lordships knew not. ye sentence above we begin at ye sentence ingeniously modestly said. called as fellow.

H. then no reasion to appear.

Coveny turn'd out for not taking ye oaths, appeal'd to ye Queen & Comis, to two Judges but ye Judges said could not visit. as to delivering ye Keys & Register ye president a Key, vicepresident, 3 deans, 3 Bursars.

Bp. Ch. will you deliver up according to ye Statute. yes certainly if so Mr. Hough desires it they own his title first, for cannot deliver up it never in. If under a judgement must submit, till he repeals.

adjourn'd till 2 Clock.

ye election undue.

H. pray see ye Statute,

Dr. Hadden read, but they answer it.

Bp. More came in by mandate as Oliver. he had a mandat but not preserved, idem est non esse & non apparere.

Bp. Will you deliver up ye Keys to ye president recomd by ye King?

Dr. H. there can be no president so long as he lives & obeys ye Statutes of ye Coll. & therefore do not think reasonable to give up right, ye keys & lodgings, I am not to deliver up ye Keys tho' to ye Bp. of

Winton. they never to deliver y^e^ Keys to him when visited, & no greater power than his, he hath y^e^ King's authority. y^e^ Bp. y^e^ ordinary visitor, y^e^ King y^e^ extraordinary, as he supposes, but often controverted whether y^e^ King visit a private Coll. or not, y^e^ Authority made by delivering y^e^ statute booke & keys, they an essential badge of his office, so short time that no time to advise, prays no advantage taken through his ignorance in y^e^ lang. prays their candor in exposition of w^t^ said. Sweare in y^e^ presence of God y^t^ not privy to y^e^ election y^e^ day before, nor would not be thought a person y^t^ would oppose y^e^ king. he came over but directly or indirectly made no interest so far as to judge how address as to persons of honour & gentlemen & do beseech to represent him as dutifull to his Ma^ty^ to y^e^ last degree, as I allway will be so far as conscience permits to y^e^ last moment of his life, & when dispossessed here hope their Ldships will intercede y^t^ he may no longer lye under his Ma^ty's^ displeasure, or be frown'd on by his prince, which is y^e^ greatest affliction y^t^ can befall him.

y^e^ Bp admonishes or rather would request.

If y^e^ King commanded to give up so as to own a right would go as far as any one.

Jen. No matter of conscience to give up a right.

Admonish'd to depart peacably from y^e^ presidents lodgings, & to act no more as y^e^ president or pretended president of this Colledge.

He accuseth y^e^ contumacy & in pænam to decree Judgement.

y^e^ Lords commissioners have pronounc'd y^e^ place to be void, & therefore, by virtue of y^e^ King's authority to us committed, do order you to depart y^e^ Colledge quiatly & to make no longer pretensions to y^e^ office & admonish all y^e^ Fellows not any longer to own him as president, y^e^ mandat for y^e^ Bp. read, withdraw.

D^r^. Fairfax called in.

D^r^. gave a paper. said farther, y^t^ summon'd at Whitehall, gave answers there, will give no other now.

D^r^. Pudsy asked if [he] would submit to y^e^ mandate.

he will stand by while installed.

D^r^. Smith makes no opposition. he doth because he must submit to y^e^ admitting y^e^ Bp.

D^r^. Tho. Bayly, cannot admit, for conscience.

D^r^. Stafford, not in power while Dr. Hough in possession.

M^r^. Holles, wholly passive, submits to y^e^ Court.

M^r^. Robert Almond, ready to obey so far forth as [he] can, will not submit.

M^r^. Hammond, not qualified by Statute, cannot submit.

M^r^. Rogers, Hough hath recourse to other courts, & till y^t^ time cannot do it to y^e^ preiudice of him.

M^r^. Ric. Strickland, absent.

M^r^. Maynard, absent.

M^r^. Dobson, cannot admit without periury.

M^r^. Ja. Bayly, cannot possibly be present, because an oath, which nc power can absolve.

M^r^. Jo. Davis, will not be present.

M^r^. Bagshaw, unstatutable, y^e^ president in possession.

Mr. Hicks, absent.
Mr. Bateman.
Mr. Thomson, abs.
Mr. Harwar, cannot admit without periury, had ye King's seal to take ye oath.
Mr. Bateman, in this case limited by Statute in conscience.
Mr. Hunt, ye Bp. uncapable, not without violation to his conscience.
Mr. Cradock, gives his answer in writing.
Mr. Gilman, ye statutes his rule ye Bp. unqualifyed, cannot admit.
Mr. Peniston, cannot as he conceives without violation of his oath.
Mr. Goodwin, absent.
Mr. Hide, absent.
Mr. Yerbury, absent.
Mr. Smith, absent.
Mr. Holden, uncapable by Statute, not go against oath.
Charnock, ready to obey ye mandate, & assist at ye installment.
Mr. Weelks, Dr. Hough legall president & not admit without guilt of deliberate periury.
Dr. Pudsy called in, Q[uery] ye manner of admitting.
Dr. Aldworth.
Dr. H. Farfaix.
Dr. Al. Pudsy, ap[peared].
Dr. Younger, abs[ent].
Dr. Jo. Smith, abs. not well.
Dr. Tho. Smith, ap.
Dr. Tho. Bayly, ap.
Dr. Tho. Stafford, out of town.
Mr. Ch. Hollis, a.
Mr. Robt. Almond.
Mr. Rich. Strickland, out of town.
Mr. Edw. Maynard, out of town.
Mr. Hen. Dobson, app.
Mr. Ja. Bayly.
Mr. Jo. Davis, ap.
Mr. Jo.

2 Cl[ock]. called all ye rest of ye members.
Then called ye butler, order'd ye Butler to bring ye buttery book.
Dr. Fairfax call'd, his contempt, accused, pain reserved till to-morrow morning.
Dr. Stafford appeared
Dr. Hough enter declar[ation] in name of self & fellows & greatest part of ye Society to submit to ye visitation so far as consistent with ye laws off ye land & their statutes, but no farther.
Dr. Aldworth, out of town half a y[ear].
Dr. Smith, out of town a month.
Mr. Hicks very long absent with ye colledge leave.
Mr. Taylor's father d[ea]d.
ye president's Statute booke brought in.
Mr. Goodayn, sick.

Mr. Yerbury's father sick.
Mr. Fra. Smith abs. [with] leave.
Thornton absent [with] leave.
Dr. Hough, but little time, some absent, a copy of ye Commission yt time to consider yt if advantage they may consider. No time allow'd to come. not agreable to ye Statutes which he hath taken on oath from which cannot swerve, but submits to ye visitation as before.
Bp. Chest. Name ye Statutes.
Hough. ye Comis. to alter statutes which his oath will not admit. No power to dispence & alter, yet they orgiver to [observe *alt. to*] dispence & alter.
Then ye sentence read. then asked if [he] heard of ye sentence. confessed but not called nor present.
ye petition of ye fellows against farmer Read. ye pe[ti]tion delivered 10 Apr. why petition for another yet elect before.
My Lord said, answer yt ye King will be obeyed.
Once in Queen Eliz. once in Edw. 6. twice in K. Ch.
ye Court asked for ye Register. they say lost in ye Rebellious times.
ye Register since ye begin[ning] to be brought in to-morrow. An order to bring ye benefactions & what fines.
Mr. Holloway.
Dr. Rogers a loyall [man?]. turn'd out. took here as Organist, had patent for life. they made him deliver it up. ye petition read.
Saterday, 2. Proclam.
Dr. Pudsy's letter produc'd. confess'd his hand, ye letter read in ye Chappell & answerd in name of all ye fellows yt ye place full,
Dr. Smith, absent.
Dr. Bayly, absent.
Dr. Stafford, consented.
Mr. Hollis, absent.
Mr. Almond, consented.
Mr. Hamond, consented.
Mr. Rogers, consented.
Mr. Strickland.
Mr. Dobson, consented.
Mr. Bayly, consented.
Mr. Davis, consented.
Mr. Bagshaw, absent.
Mr. Hicks, absent.
Mr. Thomson, absent.
Mr. Harwar, absent.
Mr. Bateman, consented.
Mr. Hunt, similiter.
Mr. Cradock, absent.
Mr. Gilman, consented.
Mr. Fullam, abs.
Mr. Peniston, conse[nted].
Mr. Holden, conse[nted].
Mr. Charnock, knew not of it.
Mr. Weelks, consented.

Dr. Hough. Whereas Lords pleased this morning pursuant to ye former decree of ye Comis. to [deprive *erased*] cross [eiect?] him of his place of president & to strike[1] his name out of ye buttery book, I do hereby protest against ye said proceedings, & against all yt yr Lordships have done or hereafter shall do, in preiudice of him & his right as illegall, uniust & null, & I do hereby appeal to our Sovereign lord ye King in his Courts of Justice.

At which ye crowd made a great humme & acclamation.

Withdraw. Ye fellows, &c. called in.

To ye fellows. did you not attend ye King in person? Confessed & yt ye King order'd them to elect. ye letter read & confessed.

Dr. Hugh desires yt nobody of ye [*sic*] not imputed to him.

Ld. Ch. Justice. bind him in 1000lb. and Mr. [*blank*] & Mr. Clark 500 each for Hugh's appearance to answer ye contempt . . . adiourn'd till tuesday . . . .

[3 *blank pages.*]

[hor. 9. in cap. adi. in Aul. present. comis. leg. *is crossed through in the MS.*].

Wednesday, 9. Proclam.

ye fellows called in.

Dr. Smith read a paper in answer to ye q[uestion] concerning their benefactions.

Dr. Smith sent a letter to Dr. Hedges to excuse his absence, together with a paper subscribed by him to ye same effect as ye other fellows.

The Registers brought in. ye fellows called in.

Dr. Rogers called in. ye petition read.

Goth [?] forth. turnd out of wind. [?] & E. afterwards restored. then agreed with ye Coll. by reason of his daughters being with child, turnd out. could charge with no neglect. prays to be restored to his place, which he had by patent. Dr. Rogers gave another paper.

Dr. Stafford says an agreement yt to ye unles forfeited by misdemeanour, to prove misdemeanour. 1 daughter in Dr. p. time sent away, another daughter got with child by a chorister. warn'd severall times to remove and send her away, he kept her still here & got with child by ye porter at last. Dr. Stafford vice-president told of his stories & monish'd by him yet persisted, Dr. Clark returned, convened him, yt ye Dr. neglected ye quire, spoiled ye organ, would not play ye right service. ye choire spoiled. when service set he would past up ye leaves, every fellow agreed to remove him. remov'd. appeal'd to ye Bp. ye Bp. satisfyed, & upon yt delivered up his seale.

Qu. why not paid.

R. 'tis constantly paid.

Dr. Rogers, reiect ye petition.

[2½ *pages blank.*]

Tuesd. betwixt 9 & 10. Proclam.

Dr. Stafford says in answer to Dr. Rogers' paper against ye Cooke. yt ye child laid to two other persons, & 3 y[ears] old before laid to him, & ye Vice-Chancelor orderd ye woman to be whip'd.

[1] Protest against all proceedings & appealed to ye King's Courts, & a great acclamation by all ye bystanders:—*these words are crossed through in the MS.*

y^e^ Answer satisfactory, given in in writing.
The Steward ask'd for a docket of y^e^ 2 last years fines.
he gives it in.
desired to set his name, are they for this yeare?
A. for y^e^ y[ears] [16]85. [16]86.
B. do you desire any thing farther?
A. desire a fair representation & why they could not obey.
Mr. Charnock says y^t^ leases let since Hugh president.
R. it matters not, they are good. they have been very fair, doubt [there] shall not [be] so good an account from other places. y^e^ vice-president susp[ects] if he apply's no doubt but taken of . they desire it may be.
If they desire let them apply.
If y^e^ v[ice] p[resident] let him apply.
Adiourned till 11.
11 Proclam.
A petition of W^m^. Tey [Fry?] read.
the chorister entered a trooper in Lord Peterborough's Regiment petitioning for his pay as chorister and as to his enlis^t^ till this time.
askd if [he] could answer to it.
not 20^s^. y[ear] due to a chorister besides commons. & when absent 'tis supplied, further said y^t^ turn'd out before a trooper.
[Ye buttery booke brought *erased.*]
y^e^ petition dismissed.
adiourned till 9.
5. cl[ock] met, adiourned till 7 friday morning.

(*Buckley MS.*)

231.

1687, Nov. 16. Proceedings of the Commissioners.

By his Majesty's Commissioners for Ecclesiastical Causes, and for Visiting of the Universities, and all Cathedrals, and Collegiate Churches, Colleges, Grammar Schools, Hospitals, and other the like Corporations or Foundations and Societies, and particularly empowered to visit Magdalen College in the University of Oxford.

Whereas in our Visitation of the said College it appeared to us, that

D^r^. Charles Aldworth.
D^r^. Alexander Pudsey.
D^r^. John Smith.
D^r^. Thomas Bayley.
D^r^. Thomas Stafford.
M^r^. Robert Almont.
M^r^. Mainwaring Hammond.
M^r^. John Rogers.
M^r^. Richard Strickland.
M^r^. Henry Dobson.
M^r^. James Bayley.
M^r^. John Davies.
M^r^. Francis Bagshaw.
M^r^. James Fayrer.
M^r^. Joseph Harwar.
M^r^. Thomas Bateman.
M^r^. George Hunt.
M^r^. William Cradock.
M^r^. John Gilman.
M^r^. George Fulham.
M^r^. Charles Penyston.
M^r^. Robert Hyde.
M^r^. Edward Yerbury.
M^r^. Henry Holden.
M^r^. Stephen Weelks.

Fellows of the said College, have been severally guilty of Disobedience to his Majesty's command, and obstinately contemned his Majesty's Royal authority and do still persist in the same, we have thought fit upon mature consideration hereof, to declare, pronounce, and decree that the said Dr. Charles Aldworth, &c., and every of them be deprived and expelled from their respective Fellowships and we do by this our sentence and decree, deprive and expel them from their said several respective Fellowships. Given under our seal the 16th of November, 1687.

About twelve o'clock as soon as their Lordships rose, the Decree for the expulsion of these twenty-five Fellows was fixed upon the College gates in the Form aforesaid.

The Fellows under-named then gave in Papers subscribed by themselves to the Lords Commissioners in this Form :—

May it please your Lordships, I do profess all duty to his Majesty, and respect to your Lordships, but beg leave to declare that I think myself injured in your Lordships Proceedings, and therefore Protest against them, and will use all just and legal ways of being relieved.

Charles Aldworth.	Thomas Bateman.
James Bayley.	Edward Yerbury.
Joseph Harwar.	Stephen Weelkes.
John Gilman.	

Others desired that the like Protestation might be entered for them, Nov. 16, 1687.

Then their Lordships ordered them to withdraw.

(*Johnston.*)

To the Form of Submission, mentioned above, all the Fellows except Dr. Thomas Smith [1] and Mr. Charnock, refused to subscribe.

Dr. Aldworth, as Vice-President, was first called upon to sign the Paper which had been read to all the Fellows.

Vice-President. My Lords, we desire time to consider of it, and to give our answer in writing.

Bishop of Chester. No. You must every one sign, or refuse as you are called.

Baron Jenner. There is no answer to be given but by Ay or No.

They all moved again for time, but it was refused.

Vice-President. My Lords, this is the first time of my appearance before your Lordships since your sitting here, and therefore I pray to be heard. My Lords, I am as ready to comply with the King's pleasure as any man living; neither do I know that we have ever in this place been disobedient to the King, where it was in our power to obey his commands. Our Founder, in the first clause of the Oath we take at this election, has provided that no one shall be President of his College, but who was bred in it, or in the College where he himself was bred. Now for us, who have elected Dr. Hough, a Person qualified according to our Statutes, who has been installed, sworn, confirmed, and approved of in all the ways and manner prescribed in the Statutes for us. My Lords, to accept and admit of a stranger and a Foreigner in his place is, to the best of my

[1] Dr. Thomas Smith was, as we have seen, very angry at the statement that he had subscribed.

understanding, a giving up the Rights of the College to other uses than the Founder designed it.

Here he was interrupted.

Bishop of Chester. Your Statutes are over-ruled by the King's authority.

Vice-President. My Lords, your Lordships sit here as the Visitors, which implies that there are certain laws and Statutes, which we are bid to observe, and by which we are to be governed, and if it shall appear to your Lordships that we have acted conformably to these Statutes, I hope that we shall neither incur the King's displeasure nor your Lordships. The whole Tenour of our Statutes run that we should inviolably maintain our Rights, and observe the rules of our Founder. He has laid his curse upon us if we vary from them. (Here he repeated the words of the Founder.) *Ordinamus sub pœnâ anathematis et indignationis Omnipotentis Dei etc. Item sub interminatione Divini Iudicis interdicimus.*

Bishop of Chester. Are you not to obey the King as well as the Founder's Statutes?

Vice-President. My Lord, I ever did obey the King, and ever will. Our Statutes which we have sworn to observe, are confirmed by several Kings and Queens before and since the Reformation, and, as we keep them, are agreeable to the King's Laws both Ecclesiastical and Civil, and so long as we live up to them, we obey the King.

Bishop of Chester. Your Statutes were never confirmed by his present Majesty.

Dr. John Smith. My Lord, neither have they been repealed by his Majesty, and what is not repealed is confirmed.

Then their Lordships pressing to sign or refuse, the Vice-President said:—

Vice-President. My Lords, I will then deal plainly in regard to my oath, and the Statutes, to the Right of all our Successors and of Dr. Hough, whom I believe to have been as fairly elected, and as legally possessed as ever any since the Foundation of the College. I cannot submit to the Bishop of Oxford as President.

So he was ordered to withdraw.

Then the same question was put to all the other Fellows singly, when all refused to sign the submission (except Dr. Thomas Smith and Mr. Charnock, who were not pressed for the reasons given above).

Mr. Thompson being called in to sign the Paper said:—

Mr. Thompson. My Lords, I have been always obedient to his Majesty's commands. I was not concerned in the election of Dr. Hough. I voted for Mr. Farmer, and am ready to submit to the Bishop of Oxford.

Bishop of Chester. Did you not put your hand to this Petition? Is not this your hand? Read the Petition. It was read. In which the Fellows desired his Majesty to nominate any qualified Person, and to retract his mandate granted for Mr. Farmer.

Mr. Thompson. My Lord, I conceive the Petition not to be disobedient. We had not yet received the Mandate. As soon as it came I humbled myself.

Baron Jenner. Then why cannot you humble yourself again? Is there any hurt in it?

Mr. Thompson. This Paper requires me to own my disobedience to his Majesty. I am not conscious of any, and therefore I cannot subscribe.

After a short time all who refused to subscribe the Submission were called in, and by sentence of their Lordships were expelled the College for contempt (except as before). After sentence all that were expelled spoke to this effect. 'My Lord, we profess all duty to the King, and respect to your Lordship, but must beg leave to declare that we think ourselves injured in your Lordships Proceedings, and therefore protest against them, and shall use all just and legal ways of being relieved.'

After a short time the Instrument of expulsion was fixed on the College Gates (*Impartial Relation.*)

232.

1687, Nov. 16. Continuation of Dr. Thomas Smith's Diary.

Wednesday. The Commissioners met in the Common Room, and the Buttery-Book being sent for, afterward upon reading the King's mandate for the admission of Mr. William Joyner, who had been Fellow of the College about forty years before, and lost his Fellowship by turning Papist; and Mr. Job Allibon, Brother to the Judge of that name, they were admitted, and their names registered; both of them taking only the oath required by the Founder.

The names of all the Fellows were called over, and certificates were produced in behalf of several of the absent Fellows, which were read and allowed. Dr. Younger was excused upon the account of his attendance upon the Princess of Denmark. The names of the rest who had not taken the like care to get themselves excused were noted down.

Soon after the Bishop of Chester made a long speech, recapitulating the whole affair.

All being ordered to withdraw but the Fellows, the Commissioners required such of them, and only such as had contended with the King (for I was not so much as spoken to, much less pressed, as in the printed Pamphlet entitled, 'an Impartial Relation, &c.,' which is very partial and faulty in several particulars relating to me, is basely and falsely suggested p. 37, 38) to subscribe the (above mentioned) Paper of Submission.

This being read, every one of the concerned Persons was asked in his turn whether he would sign the Submission or no.

After some little altercation they were bid to withdraw, every one in the order he stood in, as they refused.

Soon after the doors were opened, and their names having been struck out of the Buttery-Book, the sentence of expulsion was read publickly, against which several of them protested in a Paper subscribed by them, to which the Rest assented.

Upon the Fellows' final withdrawing, the Commissioners proceeded to admit several Fellows and Demies by virtue of the King's mandate.

After dinner the Commissioners went out of Town for London.

After the expulsion of my colleagues, which they had brought upon themselves, and being extremely concerned for them, resolved in that very minute to go to London, and live there. And to begin my journey the

next morning, Thursday, but, no coach going from Oxford on that day, I was forced to defer it till Friday morning.

(*Cobbett*, pp. 70, 71.)

233.

1687, Nov. 16. Proceedings of the Commissioners.

Their Lordships now proceeded to admit others into the places of the expelled, and in order thereunto called for those, who were recommended by his Majesty's Mandates viz. Mr. Charles Goring, and Mr. Thomas Higgons (Demies) Mr. Fairfax, Mr. Robert Hill, Mr. John Warburton, Mr. Francis Haslewood (Chaplain) and Mr. Lawrence Wood. But none of them appeared except Mr. Thomas Higgons. Whereupon their Lordships sent for three more of the Demies, viz. Mr. Samuel Jenefar, Mr. Benjamin Mander, and Mr. Thomas Hanson, and the two last desiring to continue Demies, their Lordships admitted Mr. Higgons, and Mr. Jenefar, Fellows, they taking the usual oath of Fellow.

Then Mr. Bradley Whalley [1], Mr. Walter Walsh [2]; but Mr. Middleton not appearing, Mr. Whalley and Mr. Walsh were admitted Demies, and took the oath of a Demy, and their names were entered in the Buttery-Book.

Then their Lordships took into their consideration the case of the above Fellows, and the non-appearance of Mr. Edward Maynard, Mr. John Hicks, and Mr. Thomas Goodwin, seeming excusable by the certificates produced and oaths made in their behalf; and also it appearing that they and Mr. Francis Smith, who is travelling abroad, had not been in any ways concerned in the whole affair, their Lordships thought fit to excuse them: and left the expulsion of the rest, viz. Mr. Charles Hawles, Mr. Robert Holt, and Mr. Robert Thornton, to the President, who they conceived had full power to expell them, if hereafter at their return to the College they should refuse to make their submission in the same manner as proposed to the rest of the Fellows, and so the Lords Commissioners concluded. (*Johnston.*)

234.

Lists of Fellows.

The Fellows who were absent.	The Fellows who submitted.
Dr. John Younger.	Dr. Thomas Smith.
Mr. Edward Maynard.	Mr. Jasper Thompson.
Mr. John Hicks.	Mr. Robert Charnock.
Mr. Charles Hawles.	
Mr. Francis Smith.	
Mr. Robert Holt.	
Mr. Thomas Goodwin.	
Mr. Robert Thornton.	

[1] Bradley Whalley. B.A. Merton College, 1690. M.A. Oriel, 1693.
[2] Walter Walsh, B.A. Merton, 1690. M.A. Brasenose, 1692.

235.

1687, Nov. 16. Proceedings of the Commissioners.

On Wednesday the Lords Commissioners expelled all the Fellows of Magdalen College then resident (except Dr. Thomas Smith, Mr. Thompson, and Mr. Charnock), for not subscribing to a Paper, wherein they must have owned the Legality of their Lordships' Proceedings, and begged his Majesty's Pardon for their disobedience.

Mr. Thomas Holt, the Principal of the Demies, being in the Common Room when the Paper was tendered them, after having craved leave of their Lordships spoke these words or to this effect.

Mr. Holt. When your Lordships were last here, I gave in a Paper, subscribed by all the Demies, which was our answer to your Lordships question, concerning submission to the Bishop of Oxford as President: we told your Lordships wherein that we would submit so far as was agreeable with the Statutes of the College. Now, my Lords, we find that, by the Statutes of the College, we cannot obey him, and acknowledge him as President, for we take an oath to the same effect with that of the Fellows, whereby we are obliged not to admit of any Dispensation: and therefore I do conceive that as the Bishop of Oxford has a dispensation to qualify him for the place of President, if we admit of it and acknowledge him, we shall be perjured, and therefore for my own part, I cannot nor will obey him.

Bishop of Chester. You are very forward. Were you called? Did we ask you the Question?

Mr. Holt. Yes, my Lord, you did, when you were here last, we gave then an answer, which I understand your Lordships took for a Declaration of an entire submission, which we did not, nor do, intend: therefore I thought it necessary to give your Lordship this interpretation.

Then the Court broke up; and though the College was then left destitute of Statutable officers; yet the Demies did not the less frequent the Chapel, and other duties of the House, as did appear and was very well known to the credit of that Society.

(*Impartial Relation.*)

Notwithstanding the scandalous reports of Mr. Hawles[1], which he vented in every place on purpose to vindicate himself in those actions and words which he spoke and did.

(*Holden MS.* p. 22.)

236.

1687, Nov. 16. Letter from Sykes to Charlett.

About eight Oclock this morning the Visitors sate at Magdalen College, and after a long speech from the Bishop of Chester, the Fellows were called, and their answer required whether they would subscribe

[1] Charles Hawles was one of the Fellows absent when the others were expelled. He seems to have returned to College and submitted to the Bishop of Oxford, and made himself very obnoxious to the Demies.

a certain Paper offered to them, the substance of which was that they should acknowledge their fault for resisting the King thus long, and, as a testimony of their repentance, acknowledge the Bishop of Oxford for their lawful President, and promise obedience to him; which was refused by all to whom it was offered, that is, twenty five of them, and every one of them on that account are deprived. This Test was not proposed to Dr. Thomas Smith. I know not for what reason. And Mr. Thompson and Mr. Charnock said they had no reason to subscribe it, because they did not oppose the King. These three are the only persons not deprived, except the absent which were these following. Mr. Maynard and Mr. Hicks such as it appeared by certificates. Mr. Francis Smith, the Physician, absent upon travel, and Mr. Robert Holt, and Mr. Hawles, without any reason given, as far as I can understand. Hooper the madman, and the vacancies made up the rest of the complete number.

Before these Proceedings Mr. Allibone was made Fellow by the Visitors in Mr. Ludford's place, and Mr. Joyner in Dr. Fairfax's. Since the sentence Mr. Jenefar, and one Higgins, Demies of the College, were also made Fellows: the last is an Undergraduate. Dr. Walter Walsh, and Mr. Bradley Whalley, both of Merton College, and kinsmen to the Bishop of Chester, are made Demies, and Robert Hills, the Printer's son. Some other of the Demies were sent for, as it is surmised, to see if they would accept of preferment now it falls so plentifully, but if so, they have not accepted of it. The Demies drew up a Paper wherein they declared that they were of the same mind as the Fellows, for the same reasons, and one Mr. Thomas Holt, their Principal or Senior, offered it to the Visitors, who refused to receive it, telling him that he was a pert bold man, or to that purpose, and that he might go about his business, so that they are like to be kept in against their inclinations. The Vice-Chancellor was sent for to supper last night to the Visitors, but excused himself.

It was desired by the Persons concerned that they might have a sight of the Paper to be subscribed, which was refused, and they were required to give their answer immediately, one by one, upon hearing it read. It is Coffeehouse discourse to-night that Mr. Joyner is Vice-President. Three Undergraduates, Demies of Magdalen, refused Fellowships. The Vice-Chancellor was sent for four times last night, and invited to dinner by the Bishop of Oxford with the Visitors, but was not there. There dined together two Bishops, two Judges, the Dean of Christ Church, the Master of University College, Mr. Allibone, Mr. Joyner, Tograi Smith, Thomas Collins the Chaplain, Byrom Eaton, and some officers, of which it is supposed Captain B. whom I know, was one. Preferment and wine was never more easy to be had. Mr. Thornton and Mr. Goodwin were omitted among the absent.

(*Aubrey*, vol. i. pp. 42–44.)

237.

1687, Nov. 16. Continuation of Baron Jenner's Diary.

'After . . . . saw the Lord Bishop pretty well from his sciatica. We went down into the Court, and expelled twenty-five, and admitted four Fellows, two (Roman) Catholics, two (so called) Protestants, and two Demies; then went to dinner, having let the Commission fall, with much company:—and took leave of the Bishop and Lady: and then about three set out, and came to Henley about seven by help of links from Nettlebed. All well, God be praised, only the Bishop ill of his sciatica, layed at the private Lodgings.'

Nov. 17.

'Had a good night's rest, and got up about six, and went out about nine. Alarmed with highwaymen in Maidenhead thicket, several having been robbed the day before, but before we came to Brentford heard four of them were taken at Gerard's Cross:—got well to Brentford at the three pigeons by two, where made an end of writing the Bishop's Speech, and after dinner agreed upon our short narrative for the King:—alighted at Whitehall before seven by the help of links from Kensington, and went to the Secretary's office, where soon my Lord President came to us, and read the paper. Then had us to the King in his closet, when the Paper was read and approved very well, but (the King) said: "all the Bishops in England should not excuse a refuser":—then we went to my Lord Chancellor's Lodgings, who was there with the Bishop of Rochester (as) well;—and so came to my chamber, and so home, and all well[1].'

[1] Before entering London on his return Baron Jenner wrote in his Note Book:—

'I did not seek any public place because I never thought myself proper for such employ, my conversation having been most among the middle sort of men, not with great or honourable persons, which rendered me less capable of those great and most difficult affairs. Always doubtful of my own sufficiency to acquit myself in great matters and that they would be too high for me, yet out of duty, and too much obedience I did submit to it.'

Another note dated July 1689. 'As to the recent Commission I do, and then did, fear I was too submissive, and something overawed by the King requiring it at my hands, and not thinking it would be unlawful, albeit not in the least expedient for me, well knowing at the best it would be an invidious errand, and I was very illcircumstanced for such an employment as to my own private affairs, having such a numerous family, the weight whereof I now feel, a wife and ten children, and by the access of great losses and sufferings lately happening to me, a very poor and mean subsistence left for my heirs.'

Bruce, Earl of Aylesbury, one of the Lords of the Bedchamber, in a letter addressed to M[r]. Leigh of Addlestrop writes thus of the unadvised attack on Magdalen College.

'I had that College much at heart at the time of that most unhappy combustion. I was on my knees to beg of that good and misled King not to touch the freehold; and if he would have a College, rather to build one, although it was not according to the Constitution, and although I had not a shilling ready money I would have contributed a thousand pounds.'

European Magazine, vol. 27, p. 22.

238.

1687, Thursday, Nov. 17. Letter from William Sherwin.

On Tuesday (Nov. 15) the Commissioners came to Oxford, the same as before without any alteration. They were attended by the troops as formerly. They alighted at Magdalen College, where they were received by the Bishop, the Dean (of Christchurch), Obadiah (Walker), old Joyner, and others of the gang. On Wednesday morning Adderbury fixed a Paper on the College Gates, in which Dr. Fairfax his expulsion was declared by the High Commissioners. At nine in the morning they went into the Common Room, where my Lord of Chester made a speech, in which his Lordship gave them much the same language as he did in the last, and was pleased to dwell upon their consciences, but in the conclusion told them that they had now brought an Instrument, which they were all desired to subscribe (except Mr. Charnock and Dr. Roguery[1], whose behaviour they were already well satisfied with) but all the rest immediately upon sight of the Paper did refuse, being twenty five, and upon that the Commissioners struck their names out of the Book, and fixed their Expulsion, as they are pleased to call it, on the College Gates. They have admitted Joyner and Allibon Fellows, and Jenifar M.A., and Higgins, an Undergraduate, two of the Demies, Fellows likewise. Some of the Undergraduate Demies, that, last time the Commissioners were here, had showed their willingness to conform, were called in and offered Fellowships, but, their consciences being awakened, they refused. There were two young lads made Demies. How and when rest of the places will be filled we know not. The Senior Demies in the name of the rest denied the subscription, but were bid begone, and no notice taken of it, by which means they are left to a farther execution, being resolved not to own these people, that are like to be set over them. Haselwood, a chaplain, who had formerly herded with Charnock and that gang, made about a week since a solemn recantation voluntarily to the whole Society, wherein he acknowledged he had done very ill things, of which he heartily repented; and, being by the Commissioners offered a Fellowship, refused it, and said he could not own any President in Magdalen College but Dr. Hough. This the substance of what was done.

The Commissioners went out of Town by one of the Clock on Wednesday in the afternoon. (*Cobbett*, col. 100, 101.)

239.

1687, Nov. 17. Letter of Thomas Tramallier of Jesus College to Ld Viscount Hatton. (*See No.* 201.)

II.

'Jesus College: Nov. 17. 87.

'I presum'd about three weeks agoe to trouble your Lordship with

[1] Dr. Smith having excited great suspicions from the line he took in these proceedings, his customary appellation of *Tograi*, the name of an Arabian author of eminence, whose poem he had edited, was changed to that of *Roguery*.

See *Register of Schoolmasters*, p. 15.

a long tedious account of the Proceedings of the Ecclesiastical Commissioners at Magdelen College; and because they are return'd here again, I shall beg leave to continue my relation, of what has hapen'd since. I inform'd your Lordship then, as I apprehended it, and as I think, most people did that heard them, that the Fellows had submitted to the Bishop of Oxford, and that they would obey him as their President; but it seems we were mistaken; for on the Thursday following, when the Commissioners would have had them to subscribe a kind of Address of Submission, to be presented to his Ma^ty^, they putt in this final answer. May it please your L^d^ships, We have endeavour'd in all our actions to express our duty with all humility to his Ma^ty^; and being conscious to ourselves, that in the whole conduct of this business before your L^d^ships we have done nothing, but what our Oaths and Statutes indispensably oblige us to; we cannot make any Declaration, whereby to acknowledge that we have done amiss, as having acted according to the principles of Loyalty and obedience to his sacred Ma^ty^, as far as we could without doing violence to our consciences, and prejudice to our Rights (of which we humbly conceive this of electing our President to be one), from which we are sworn on noe account whatever to depart. We therefore humbly beg your L^d^ships to represent &c. Subscribed by all, but D^r^. Thomas Smith and Charnock. M^r^. Fulham, one of the Fellows, had the misfortune then to be suspended from his Fellowship by the Commissioners during the King's pleasure, for telling them that they had violently enter'd the President's lodgings, without the legal way by the Sheriff, and the Posse Comitatûs. But on Tuesday they came hither again in the afternoon, and lodg'd that night at the Bp. of Oxon in Magdelen College; where yesterday morning they sate in the college Common Room, and the Fellows appear'd before them. The first thing that was done was, the reading of a couple of Mandates from the King, out of a bundle the Bp. of Chester held in hands, in favour of one Joyner, who was a Demye there above fourty years agoe, and sold his place before the Troubles broke out; and one Alibone, a Student of S^t^. Omers; but both Papists; and the admitting of them Fellows thereupon by the Commissioners, without taking any other Oath, but that of Fellow; the rest being dispens'd with by the Mandate. Then Chester, being the mouth of the Commissioners, made his Speech; where after a recapitulation of his former Charge and their Proceedings, he fell a railing most violently against the Fellows, calling them popular, petulant, obstinate, perverse, seditious, rebellious, forgetting all this while that he stands register'd at Queen's College for having born arms against the King at Worcester. But amongst other his strange Doctrines I must not pass by one; for it is a piece of new Divinity, worthy the ambition of the Candidate of the Arch-Bishoprick of York; and it is this; he told the Fellows in the exhortative part of his Speech, That they must sacrifice their Consciences, as a Peace-offering to the Father of their Countrey. After this there was an instrument produc't, containing the forme of a Submission, to which they were all requir'd to subscribe, except D^r^. Tho. Smith, of whom the Bp. was pleas'd to say, That his Ma^ty^, in consideration of his carriage in that whole affair, did graciously condescend, that it should not be putt to him; and Charnock: but they all refus'd

it; for which they were presently after sentenc'd by the Court, five and twenty in number, to be depriv'd their Fellowships, and banisht the College. They were denied a Copy of the Instrument; but it was to this effect, that they should acknowledge themselves to have acted all along disloyally and disobediently, and beg the King's Pardon; and that they own'd the Bp. of Oxon as their lawfull President, and would obey him accordingly. There were afterwards three new Fellows putt in by Mandates; and two Mandates more were offer'd, but not accepted of by the persons for whom they were design'd. The Fellows putt in their several Protestations; and the Commissioners went away in the Afternoon; but God only knows where that furious zeal will terminate.'

240.

1687, Nov. 18. Letter from William Thornton (Sherwin ?).

Sir. This is the account I received from Oxford concerning the business of Magdalen College. The Commissioners dined on Thursday with the Bishop of Oxford in the President's Lodgings, and lay there that night. The next day the Court sat, and the Bishop of Chester read a long speech to the Fellows aggravating their fault, and charging them with obstinacy and rebellion. Then they were required to Subscribe a Paper, much of the same import as the former. Twenty five of them refused to subscribe, and were immediately turned out. Dr. Thomas Smith, Mr. Charnock, and Mr. Thompson, having submitted before, it was not tendered to them. There were eight absent: Dr. Younger, Mr. Francis Smith, Mr. Maynard, Mr. Hawles, Mr. Hicks, Mr. Holt, Mr. Goodwin, and one more (Mr. Thornton), three places vacant, and Mr. Hooper's the madman, which make up the number of forty. The Subscription was not tendered to the Demies. They admitted Mr Joyner, and Mr. Allibone, and two Demies, Jennefar, and Higgins, Fellows. Fellowships were proffered to more, and to persons of other houses, but were not accepted.

(*Cobbett*, col. 101, 102.)

241.

1687, Nov. 18. Continuation of Dr. Thomas Smith's Diary.

On Friday morning, Nov. 18, I set forward in the Coach to London, and stayed there all that winter, and part of the following year, till I was expelled from my Fellowship (Aug. 3, 1688) by Bishop Giffard, the then President, and the Papist Fellows; and went down to Oxford a few days after to remove my books, bedding, and the other furniture of my chamber.

Upon my coming to Town I found the whole transaction of the af ir relating to the College generally condemned, the King arraigned as gui y of arbitrary government in turning men out of their freeholds, the Co r-missioners loaded with calumnies for executing the King's pleasure, a d acting, as they said, against law in defence of a prerogative, which th e revilers would not acknowledge due to the Crown, and myself bespatte d

with horrible, scandalous, and diabolical reflections, as though I were a Papist, or at least would soon declare myself such:—that I had perjuriously violated my Founder's Statutes, and that by this compliance I was making my court to get preferment, and such like stuff. I confess it troubled me extremely to be thus calumniated, knowing that in the whole affair I acted according to my judgement and conscience, upon which I did not choose to rely wholly, though I might have done it safely, knowing from the Registers of the College what had been done in the like cases by our Predecessors, and especially in Dr. Walter Haddon's case, who was a lay-gentleman, and bred up in the University of Cambridge in the time of King Edward VIth; in that of Dr. Bond under Queen Elizabeth; of Dr. Oliver, who was recommended by King Charles the First (though the King then in Oxford was assured that the Election would light neither upon Dr. Oliver or another of his Majesty's Chaplains, the King saying, as I have been most credibly informed, that he would send his Letters nevertheless), and in those of Dr. Pierce and Dr. Clerke, at which latter I was present, and in the Elections and Admissions of Fellows, to the Formalities of which we were as much obliged by Statute, whenever the King thought fit to interpose his Royal authority;—besides I say, not relying upon my own understanding, I consulted both Divines and Civilians as to my behaviour in this perplexed affair, whose judgement, which could be no way biassed, agreed with mine. Hereupon to do myself right, and to vindicate my injured fame and credit, I found myself obliged to give a particular relation of my behaviour in the whole transaction, so far as I was concerned, either at the Election or Visitation, which I sent to my friend William Lloyd, Lord Bishop of St. Asalph, in a letter dated Nov. 24, within less than a week after my coming to Town, which satisfied his Lordship, who as much as he disliked the exercise of the King's visitatorial power at that time, and the behaviour of the Commissioners for Ecclesiastical Affairs, and for visiting the Universities either at London or Oxford, did me the justice to vindicate me, in the midst of all the clamours raised against me, whenever a discourse happened to be started about me.

(*Cobbett*, col. 71, 72.)

242.

1687, Nov. Continuation of Dr. Thomas Smith's Diary.

I finding that the case was either through ignorance misunderstood, or through malice and design perverted, to run down the King and his authority Royal, in interposing in College Elections, and that not one in a thousand has a right notion of it, designed to publish that Letter to satisfy my friends, that I was not so black a criminal, as some of my maligners represented me to be, and therefore consulted and advised with Bishop Lloyd, whether I ought not to lay open the whole affair to the view of the world, at least to publish that Letter written to him, which he would by no means give way to, or advise me to do, adding among other reasons, that thereby I should but gratify the Jesuits, and this afterwards was the opinion of Dr. T. Tennison, who in Bishop Lloyd's absense, and by his particular desire, I now and then consulted upon some emerging

difficulty. I can justly say it and I appeal to God Almighty, the Searcher of all hearts, that in the whole course of my life, in matters relating to the public, I have endeavoured to discharge a good conscience, and that the grace of God assuring me, I have abhorred, and the same grace still assisting me, shall continue to abhor, a wilful and designed contradicting the lights and directions of my conscience, or doing anything contrary to it, though it were to gain the best preferment in the Church, or to save my life. And as to the other crimination of my being a Papist, or would at least become such, I need only appeal to all who knew me intimately both before and since, and to the several theological writings which I have published in Latin and English, in which I have defended the doctrine of the Church of England against the Papists, to render it absurd, false, and incredible. It was a grievous affliction to be so unworthily reproached by my Brethren of the Clergy, one of whom broke out in a Coffee-house into scurrilous language against me, such as was fitter for a rude, illbred, and hair-brained porter or carman to use, than a Scholar, Gentleman, or Priest. But I have lived to see this man especially, with several others of my severe censurers, notwithstanding their pretended zeal at the time in the defence of the Church of England against Popery, which certainly is the duty of every honest and conscientious clergyman of this Church, renounce his oaths, faith, declarations, and formerly avowed principles, and swear allegiance to an Usurper, and justify all the villanies of the late revolution.

(*Cobbett*, col. 72, 73.)

243.

1687, Nov. 20. Letter from William Sherwin (?) to Dr. Thomas Turner.

Sir, In my last I gave you the fatal account of Magdalen College. I am apt to think it will not be unacceptable to you to hear the state of that place since the dissolution. By the way give me first leave to tell you that Dr. Tograi Smith on Friday morning asked leave of the Bishop to go out of Town, which he denied him, telling him that there was no one that understood the College business, and therefore he must not go, on which the Doctor told his Lordship that he had leave given by the Society before he came to the College, which leave he took to be legal, and therefore would go. Dr. Pudsey, it is feared, will make good an old saying that a truly covetous man cannot be honest; but you shall hear more of this.

The Demies, I told you, offered to deny the Subscription, but were bid begone, and no notice taken of them. Since that they have denied any power over them in that College, and do refuse to cap. They constantly keep prayers; one of the Master Demies reads. They likewise keep disputations and other exercises, a Master looking over the Bachelors of Arts, and a Bachelor the undergraduates. There was a Cloth laid in the Hall for the undergraduate Fellow (Higgins) above the graduate Demies, which they ordered the Butler to take away, but he being timorous, they did it themselves, telling the undergraduate Fellow that the Statutes of that Place did not admit that any foundation-undergraduate should take

place of a graduate, and while they stayed in the College he should not have it, upon which he went out of the Hall.

Charnock sent to the undergraduates to come and *narrare*, to which they sent the answer, that they were deprived of their Deans and lawful officers, and did resolve not to obey any other. Charnock told them that tomorrow he shall take upon him the office of Dean, and they are resolved not to obey him nor the Bishop, so that there are great hopes by the latter end of this week, that they will be in the same circumstances with their Governors, the thing they heartily wish for. Two young men of Merton College (Walsh and Whalley, they say kinsmen of the Bishop of Chester) were sworn Demies, but I am told by a worthy man of Merton College that the young men are ashamed of it, and will never go to that unhappy College. The Vice-Chancellor, being on the day of the Execution invited by the Bishop to dine with the Company, returned this answer, that he did not like with Colonel Kirk to dine under the gallows. You need not speak this publickly.

(*Cobbett*, col. 102, 103.)

244.

1687, Nov. 22. Letter from William Sherwin.

Sir, I received your last kind letter, the contents of which I imparted to some of those worthy men of Magdalen College, but not your name. They return you their most hearty thanks, not only for your kind offer in assisting them, but for your good advice, which I doubt not will be followed. They are all getting out of Town as fast as they can, they being so much importuned by friends to entertainments, which they can in no other way prevent but by leaving this place. I am well assured that a great many of them, being so suddenly thrown out, will be put to hard shifts, but at present those, that they are most ready to recommend to the assistance of friends, are Mr. Harwar, and Mr. Peniston. They are both very honest gentlemen, who have never had (scarce) any thing from their friends, and (this) has made their circumstances such that I believe that these are more in debt than they can well pay; and their Creditors here are not so kind as has been expected. Mr. Goodwin by sickness in London was prevented from coming down to suffer with his friends, but he sent two letters in which he declared his resolution to disown the jurisdiction, one of which was given to the Commissioners, and although he is not by them expelled, yet he resolves not to come to the College any more. He is a sober honest man, and I doubt not but Mr. Davies will acquaint you that he is a Person highly deserving, and I am sure that his circumstances are but low in the world. He is at this time at Captain Beale's in the Old Palace Yard.

The Demies continue still as I acquainted you, and do use all endeavours that they may be relieved from the place.

I have had offers for a Fellowship for my Son (William Sherwin the Demy) more than once, but I thought my first answer would have prevented a second, which was that my son was capable of no favour in Magdalen College, but from Dr. Hough the President, and those worthy gentlemen that are turned out, and when it shall please God to restore

them to their rights he would be sure to have what he deserved. I thank God that he is honest and has in himself courage enough to withstand any of their temptations, and he has from the beginning behaved himself to the satisfaction of all that worthy Society[1].

(*Cobbett*, col. 103.)

245.

1687, Nov. 24. Continuation of Dr. Thomas Smith's Diary.

That night after having sent away my Letter by a sure hand to Bishop Lloyd in the morning, a gentleman came to my lodgings telling me that the King, hearing that I was in Town, commanded me to come to his Levee the next morning, which was extremely surprising to me.

Nov. 25, Friday morning, I went to Whitehall. The King was then under the Barber's hands, several Lords and Gentlemen attending, as is usual. Soon after the King admitted me to the honour of kissing his hand, and called me into his Closet.

The King said to me that he had heard well of me, and that I was a loyal and honest man, for which I suffered a thousand reproaches. The King bid me not to value them, and then he was pleased to tell me that he had had a Letter from the Bishop of Oxford stating that the Demies were mutinous. I said that I had endeavoured to satisfy some of them, but I feared that they were not to be wrought upon. The King was pleased to add these very words, 'The College has been mutinous and factious ever since my Brother was restored.'

Some little discourse happened about my having lived some time at Constantinople, and I thought fit to acquaint the King that of late I had not been constantly resident in the College, but lived in London, which I thought proper to say, because I had resolved to go down no more, while things continued in this disorderly condition. After this short stay the King said, 'Doctor, I thank you, I will stand by them who stand by me. You shall find it so,' or words to that purpose. I most humbly thanked his Majesty and was dismissed. When I returned to my lodgings I thought fit to put down the above written discourse while it was fresh in my memory.

Notwithstanding the King's gracious intentions towards me, I never made any kind of application to his Majesty either by Protestant or Romanist, and at that time dreaded preferment as much as others were ambitious of it, and courted it, and scorned to make a visit to my Lord Sunderland, who, to make his court the better, had renounced his religion, and was *premier ministre*, much more to the Jesuit Petres, whose face I never saw but once *en passant*, though invited thereunto by one, who had a considerable interest in them both. For though I might have pretended with some tolerable kind of allowance to a Prebend in the Church of Windsor, which King Charles was pleased to promise me, or to a Prebend in Westminster, to which Archbishop Sancroft of his own accord, without my request or suggestion, told me that he would speak to the King (James II^d.) in my behalf, His Grace thinking it most agreeable o

[1] William Sherwin, the Demy, son of the writer of the above letter, was elected Fellow of Merton 14 June, 1688. See *Demies' Register*, vol. iii. p. 43.

me to live in London, as well as some others, whom I saw daily advanced to great dignities in the Church, yet, after that the troubles of the College had happened, I made it my business and endeavour to avoid it, and I thanked God heartily, that no Preferment was forced upon me. So much do I prefer the credit and reputation of my having acted according to my judgement in the affair of the College, before the best Preferment, which fell afterwards in the King's gift, though it had been the Bishoprick of Oxford, which not long after was vacant by the Death of Bishop Parker.

(*Cobbett*, col. 73, 74.)

246.

1687, Nov. 28. At a Court held in the Council Chamber at Whitehall.

Present.

The Lord Chancellor.	The Bishop of Chester.
The Lord President.	The Lord Chief Justice Wright.
The Lord Chamberlain.	The Lord Chief Justice Herbert.
The Bishop of Durham.	Mr. Baron Jenner.
The Bishop of Rochester.	

The further account of the Proceedings of the Visitation of St. Mary Magdalen College in Oxford was read, upon which it was moved that the expelled Fellows should be further proceeded against by a sentence of Incapacity. The Lords upon debate were of opinion that the said Fellows ought to be incapacitated from receiving any Ecclesiastical Preferments for the future, and direct that Mr. Solicitor General, Sir Robert Baldock, Sir Thomas Pinfold and Dr. Hedges shall attend the next morning at nine of the clock upon this matter.

(*Johnston*, pp. 118, 119.)

The Lord President moves that the expelled Fellows be incapacitated by a sentence of this Court.

The Lord Chief Justice Herbert says his opinion is that Dr. Hough's Election was regular, and therefore cannot give his opinion.

The Bishop of Rochester says the same.

The Lord Chief Justice Wright is for proceeding further.

Mr. Baron Jenner—If there be a new—

The Bishop of Chester. They ought to be further censured.

The Bishop of Durham. Those who have preferments not to be deprived, but those who expect any to be incapacitated.

The Lord Chamberlain. Not to proceed further till the powers of the Court be considered of.

The Lord Chancellor. If the Court have power to proceed to further punishment he is for it.

The Lord Chancellor, the Lord President, the Bishop of Durham, the Bishop of Chester, Lord Chief Justice Wright, are of opinion that the Fellows who are expelled, should be incapacitated from receiving any Ecclesiastical Preferment for the future, if this Court can do it.

[?]

247.

1687, Nov. 29. At a Court held in the Council Chamber at Whitehall.

Present.

The Lord Chancellor.
The Lord President.
The Lord Bishop of Durham.
The Lord Bishop of Rochester.
The Lord Bishop of Chester.
The Lord Chief Justice Wright.
Mr. Baron Jenner.

Mr. Solicitor-General, Mr. Robert Baldock, Sir Thomas Pinfold and Dr. Hedges attend, and have the following Paper delivered to them.

The Lords think it requisite that the Fellows lately expelled out of St. Mary Magdalen College should be incapacitated from receiving any Ecclesiastical Preferment for the time to come, and desire you to consider of the method and best manner of proceeding herein.

Their Lordships appointed them to give them their opinion upon the matter upon Monday next at ten in the morning, but the meeting was put off till Thursday the 8th of December.

(*Johnston*, p. 119.)

248.

1687, Dec. 6. State of Magdalen College.

Mention is made of 'the scandalous reports which Mr. Charles Hawles spoke and did on this day in the Master's and Bachelor's Common Fire Room, coming into the said room at Eight a clock at night, when all was quiet, telling them, "that they pretended conscience, but he would harden their tender consciences,—that he did believe that those, who came in their places, would better deserve them than they did, and for ought he could find, when they were turned out, the highways were likely to be filled with thieves and robbers."'

He went about with three of the Bishop's men, and searched several chambers, and acted divers other things of the like nature.

(*Impartial Relation.*)

249.

1687, Dec. 7. As above.

The next morning, Dec. 7, Thomas Holt, John Brabourne, and George Stonehouse, Demies, went up to Mr. Hawles's Chamber, where they charged him with each particular thing; upon which, and not being able to deny any part of it, he broke out into a great passion, and violently thrust Mr. Holt out of his chamber. At the same time he desired Mr. Brabourne to stay with him, to whom he then declared that he did, and would, submit to the Bishop of Oxford as President, and that all those that did not, nor would, were fools and coxcombs.

(*Impartial Relation.*)

250.

1687, Dec. 8. At a Court held at Whitehall.

Present.

The Lord Chancellor.	The Bishop of Rochester.
The Lord President.	The Bishop of Chester.
The Earl of Huntingdon.	The Lord Chief Justice Wright.
The Bishop of Durham.	Mr. Baron Jenner.

Mr. Solicitor General, Sir Robert Baldock, Sir Thomas Pinfold, and Dr. Hedges, gave their answer upon the Paper given them on the 28th of the last month concerning the Fellows lately expelled out of St. Mary Magdalen College; the Lords enter upon debate of the matter, and put off the further consideration thereof till Saturday Dec. 10 instant, at four in the afternoon.

(*Johnston*, pp. 119, 120.)

Question. Whether there is matter enough before the Court for it without further process.

Lord Chief Justice Wright desires to see the former proceedings.

The Lord Bishop of Chester for the affirmative.

The Lord Bishop of Durham for the affirmative.

The Earl of Huntingdon for the affirmative.

The Lord President for the affirmative.

The Lord Chancellor:—not fit without further proceedings.

[?]

251.

1687, Dec. 9. State of Magdalen College.

About two days after, some of the Demies being at his chamber, Mr. Charles Hawles denied that he said any such things, but if he did, he said, he was heartily sorry for it; and then declared, that he never hereafter would trouble himself with the government of the College.

(*Impartial Relation.*)

252.

1687, Dec. 10. At a Council held at Whitehall.

Present.

The Lord Chancellor.	The Lord Bishop of Rochester.
The Lord President.	The Lord Bishop of Chester.
The Earl of Huntingdon.	The Lord Chief Justice Wright.
The Lord Bishop of Durham.	Mr. Baron Jenner.

The Lords resume the Debate concerning the Fellows lately expelled out of St. Mary Magdalen College, and agree upon the following order.

Whereas we thought fit by our Order of the 22d Day of June last to declare and decree that the pretended Election of Mr. John Hough, now Dr. John Hough, to the Presidentship of St. Mary Magdalen College in the University of Oxford was void; and therefore did amove the said Mr. John Hough from the Place of President of the said College; and whereas

the Fellows of the same were likewise convened before us for their disobedience to and contempt of his Majesty's authority by making the said pretended Election, and it now appearing unto us that the said Dr. John Hough,

Dr. Charles Aldworth,	Mr. Francis Bagshaw,
Dr. Henry Fairfax,	Mr. James Fayrer,
Dr. Alexander Pudsey,	Mr. Joseph Harwar,
Dr. John Smith,	Mr. Thomas Bateman,
Dr. Thomas Bayley,	Mr. George Hunt,
Dr. Thomas Stafford,	Mr. William Craddock,
Mr. Robert Almond,	Mr. John Gilman,
Mr. Mainwaring Hammond,	Mr. George Fulham,
Mr. John Rogers.	Mr. Charles Penniston,
Mr. Richard Strickland,	Mr. Robert Hyde,
Mr. Henry Dobson,	Mr. Edward Yerbury,
Mr. James Bayley,	Mr. Henry Holden,
Mr. John Davys,	

and Mr. Stephen Weelks, lately Fellows of the said College, do persist in their disobedience and contempt, we have thought fit upon mature consideration of the matter, to declare, decree, and pronounce, that the said Dr. John Hough &c. as before recited, and every of them, shall be, and from henceforth they are hereby declared, and judged, incapable of receiving, or being admitted to, any Ecclesiastical dignity, Benefice, or Promotion, and that such and every of them, who are not as yet in Holy Orders, shall be, and are hereby declared and adjudged incapable of receiving and being admitted into the same: and all Archbishops, Bishops, and other Ecclesiastical officers and Ministers, within the Realm of England are hereby requested to take notice of this our Sentence, Order, and Decree, and to yield obedience thereunto. Given under our Seal the tenth day of December, 1687.

(*Johnston*, pp. 120, 121.)

253.

1687, Dec. 12. At a Council held at Whitehall.

Present.

The Lord Chancellor.	The Lord Bishop of Rochester.
The Lord President.	The Lord Chief Justice Wright.
The Lord Bishop of Durham.	The Lord Chief Justice Herbert.
Lord Mulgrave.	Mr. Baron Jenner.

The order for incapacitating, the late Fellows of St. Mary Magdalen College was read and approved, and a Duplicate ordered to be sent to every Archbishop and Bishop[1].

[*MS.*]

This resolution passed by a majority of one only, Lord Mulgra

[1] Dec. 18, 1687. Extract from the Register of Sandhurst near Gloucester.
Memorandum. That the Vicarage of Sandhurst being void by the death of
Samuel Cordall, the late Incumbent, Charles Penyston, M.A. received a presentat
to the sayd Vicarage from the Right Reverend Father in God, Jonathan, Lord Bish

Lord Chief Justice Herbert, Baron Jenner, and the Bishop of Rochester, voting against it. This vigorous measure was probably adopted from the knowledge that many of the nobility and gentry intended to bestow Livings on the ejected Fellows.

(Mackintosh, *Hist. of the Revolution*, p. 143.)

254.

1687. Dec. Public Feeling.

Collections of sums of money were not long afterwards made both at London and in the country for the expelled Fellows of Magdalen College. And the news of their expulsion was sent over into Holland with a great many horrible circumstances to aggravate the injustice of the King's Proceedings against them, which affected the Princess of Orange to such a manner that she sent over two hundred pounds to be distributed among them, as one of the Fellows afterwards told me.

(Dr. Thomas Smith's *Diary*. *Cobbett*, col. 73.)

255.

1687, Dec. 17. State of Magdalen College.

All things were very quiet till on the 17th of December, at which time Mr. Charnock crossed and put out of Commons William Sherwin, Demy, for not capping of him, upon which Sherwin went presently to the Buttery Book, and struck the Cross off, and demanded his Commons of Mr. Hawles, as being deprived of them by one that had no power to do it, and for no breach of the Statutes.

Sometime after he, the said William Sherwin, met Mr. Charnock in the cloisters, and told him that he was ready to dispute it out with him:—that capping was purely a custom, and since that he broke it first by not capping Dr. Hough, he had the same, and far greater reason for not capping of him. Mr. Charnock then said, Learn to behave yourselves more reverently, or you shall dispute it shortly through a grate.

(*Impartial Relation.*)

256.

1687, Dec. 25. As above.

On Christmas Day the Masters, Bachelors, and Demies, then present, went out of the Hall, without asking Mr. Jenefair or Mr. Charnock's

of Bristol, and was inducted into the same, December the eighteenth by Joseph Hatch of Kemmerton Clerk, in the year of our Lord, 1687.

Charles Penyston, Vicar
William Sparrow, James Salcombe } Churchwardens. } 1688.

All the above appears to be written in Mr. Penyston's handwriting.

1687, Dec. 21. Extract from the Parish Register of Down, co. Kent.

St. Thomas's Day, 1687. James Fayrer, one of the Fellows of Magdalen College in Oxford, being deprived by order of King James IId, was Minister of this poor Down for one year, being restored to the said College in 1688.

(Nichols's *Top. et Gen.* vol. i. p. 332.)

leave, looking upon them as not Fellows, the one being unstatutably admitted, and the other having forfeited his place not only by the Act of Uniformity, but according to the Vindicator of the Commons, who says whoever *ipso facto* is mentioned in any Statute, there needs no declaratory sentence. Upon this Mr. Charnock crossed and put out of commons all those, who so went out of the Hall without asking leave, and ordered that neither they nor any other Master, Bachelor, or Demy, should be admitted into the Buttery, a known privilege to both of them, but the said persons entering the Buttery, and taking out their crosses, Mr. Charnock thereupon sconced the Butler ten shillings each.

These Demies often demanded justice of Mr. Hawles, but they could not prevail to have their commons allowed them till a short time after he went out of Town, the said Mr. Hawles with much ado, and after great consideration, said he would venture to put them all into commons again though he could not tell how to answer it.

(*Impartial Relation.*)

257.

1687, Dec. 29. Letter from William Sherwin.

Sir, It is so long since I wrote to you that it makes me choose to give you the trouble of this rather than be thought guilty of a neglect. We every day expect the Commissioners at Magdalen College, and then you will soon hear that all persons now in College will be dismissed. The Chaplains and Clerks, who are under no oaths, are quitting the College as fast as they can by reason they would not be thought disobedient to the King's command. In my last I gave you an account that the most of the Demies had resolved never to own that power which was put over them, it being so positively against their oaths, to which they still continue. They do not cap any of them, nor Charnock, that was there before. About a fortnight since Charnock singled out Will. [William Sherwin the Writer's Son] not only for a prejudice that he had taken against him for being by, when they broke open some of the Fellows' doors, and telling the persons to be careful of what they did; but I believe something for mine, and the . . . . .'s sake, who was his Patron, he demanded of him why he did not give him respect, to which he answered, he gave him what the Statutes required, and he thought more than his due, he being the only one that refused to give any respect to the President (Dr. Hough). Charnock immediately commanded the Cook to let him have no more commons, and then crossed his name in the Buttery, which William took off again, and told him he had no more power to put him out of Commons, or cross his name, than one of the turnspits, and immediately went to Mr. Hawles, and told him that in the absence of the President and officers, he came to him as the proper person to make his complaint, that Mr. Charnock being no officer, had, contrary to the Statutes, deprived him of his Commons, and therefore required him to command the Cook to give it him; and for his not capping he would desire the Statute to be produced, and he would submit to any punishment therein appointed. Mr. Hawles promised he would do it, but

soon after told him Charnock was Dean, and that he must submit to him, or else he would be called before the Bishop the next day, to which he made this answer, that if the Bishop were at Cuddesden, he would readily wait on him, but not in the President's Lodgings, and that he did disown all power in the Bishop as President, and to Charnock as Dean, which put me in great hopes they would have struck his name out of the Book, but Charnock has told him that he shall in a short time be looking through an iron gate.

On Christmas day Jenifer sat Senior of the Hall: the Masters and Bachelors Demies rose without leave, upon which Charnock commanded the Cook to give them no more commons, and crossed all their names. They all struck off their crosses and went immediately to Mr. Hawles and required their commons, but he like a base coward refused to do it, upon which they told him the next day they expected a positive answer from him whether he would or not, and then they would proceed another way. He told them something of the Bishop, but they disowned all power but his in the College. Yesterday the Cook was privately ordered to give them all their commons again. It is expected when the Commissioners come they will all be expelled the University, which is no terror to them, choosing rather to beg their bread with a safe conscience than to yield themselves to perjury. Mr. Craddock, Mr. Davies, Mr. Penystone and Mr. Harwar have had institutions to small Livings. Dr. Pudsey is gone from the College.

(*Cobbett*, col. 103–105.)

258.

1687, Dec. 31. Letter from the King to the Bishop of Oxford.

To the Right Reverend Father in God, Samuel, Lord Bishop of Oxford, President of St. Mary Magdalen College in the University of Oxford.

Right Reverend Father in God we greet you well. Whereas there are several Fellowships now vacant in that our College of St. Mary Magdalen, Our Will and Pleasure is that you forthwith admit our trusty and well-beloved

Richard Compton [1]	Thomas Guilford [7]
Thomas Fairfax [2]	William Plowden [8]
Edward Merideth [3]	John Christmas [9]
John Dryden [4]	Lawrence Wood [10]
Philip Lewis [5]	John Ross [11]
Alexander Cotton [6]	Austin Belson [12]

[1] Richard Compton admitted Fellow 9 Jan. 1687–8.

Richard Compton of Lincolnshire, admitted at the English College, Rome, as a convictor, 16 October, 1671. Left England 11 May, 1674. Readmitted 20 Dec. 1699, aged 48, son of William and Dorothy Compton of Lincolnshire. When he came to the English College this second time he could give no account of himself or his antecedents, and was a stranger to all in the College, but after two months he procured from the Fathers in England excellent testimonials as to his life and morals. He was admitted at first among the alumni, but changing his mind became a convictor, which he had been previously in 1671. He took the Oaths, received minor

to be fellows of our said College, and likewise that you forthwith admit Robert Hill[1] to be a Demy there in the Demy's Place now vacant.

[1] Robert Hill or Hills, son of Henry Hills, the King's Printer, admitted 11 Jan. 1687-8.

Orders, and was ordained subdeacon and deacon in June and July, and Priest 7 August 1701, and left the English College September the 14th following. He had originally been sent there in 1671 from the College at S^{t}. Omer's. The testimonials given of him by the Superior Thomas Carey, speak of him, as well born and liberally educated, in good bodily health, without impediment of speech, of agreeable presence, and of sufficient capacity to proceed to the higher studies. He is in Poetry, well endowed, of a solid judgement, and for his piety and regularity may rank with our best scholars.

(Foley's *Diary of the English College at Rome*, pp. 419, 452, 527.)

[2] Thomas Fairfax, admitted Fellow 9 Jan. 1687–8.

Thomas Fairfax, alias Beckett, was of the old Yorkshire family of that name, born in Yorkshire 1566, made his humanities at S^{t}. Omer's College, entered the Society of Jesus 7 September, 1675, was ordained Priest 18 December, 1683, and was professed of the four vows 2 February, 1693. In 1685 he was minister at Ghent. Upon the accession of James II^{d} the Roman Catholic Faith gained considerable footing in Oxford, and the King having expelled the Fellows and Demies from Magdalen College for an act of contumacy! placed it in Roman Catholic hands, and Father Fairfax, who was generally known as D^{r}. Beckett, and had taken the Degree of D.D. at Treves for the purpose, was appointed Professor of Oriental Languages, then in great vogue at the University. He was a learned man and a distinguished scholar, and had been Professor of Theology at Liege for some time. At the outbreak of the Revolution 1688, all further hope of promoting the Roman Catholic Faith ceased in Oxford; and Father Fairfax himself nearly lost his life from the fury of a mob. He was a Prisoner in Oxford in 1689. In 1701 and 1704 he was residing in the College of S^{t}. Ignatius, London, as Procurator of the Province. He subsequently served the Mission of Wardour Castle for some years, and died 2 March, 1716, aged 60, probably at the same place.

The Rev^{d} John Kirk of Lichfield in his MS. Notes and Letters (S^{t}. Francis Xavier's College Library) under the head of Thomas Fairfax S. J. says, 'M^{r}. Segt. Jenks, who wrote the review of the Book of Jansenius, in his letters to Father Fairfax (copy at Ushaw) gives him the praise of one of the chief anti-Jansenists in the country, or the next to it. Indeed M^{r}. A. Giffard asserts that "Father Fairfax was the first to begin printing and publishing these books of controversy concerning Jansenism, which was the first origin of the liberty, which others took afterwards." I have no doubt he thought it necessary to second the alarm, and guard the Roman Catholics of this country against the infection of that heresy, yet, at the very time, it is most certain that no people were ever more averse to Jansenism than the English Clergy.'

(Foley's *Records of the English Province S. J., Collectanea*, P^{t}. i. p. 241.)

In 1704 Thomas Fairfax, alias Becket, was one of nineteen Missionary Fathers attached to the College of S^{t}. Ignatius in the London District. (Foley, vol. v. p. 215.)

In 1710 among the sixteen Fathers attached to the College of S^{t}. Thomas of Canterbury in the Hampshire District, Father Thomas Fairfax was distinguished for his zeal. (Foley, vol. v. p. 784.)

Foley states that in 1685–1688 great efforts were made at Oxford to gain a firm footing for the Fathers of the Society of Jesus. Inasmuch as Oxford possessed the most celebrated University in England, or rather in Europe, it was considered that it would tend greatly to the glory of God, and the good of the Roman Catholic Faith, that the Fathers should be in force in that City—the Citadel or principal bulwark of heresy. If that could be occupied, it would open an easy path to the rest, Oxford being the fountain-head, whence issued forth the poisonous streams of heretical doctrine, and where the Anglican Clergy were usually trained. Let this fountain be once imbued with the wholesome waters of orthodox doctrine, and it would thence assuredly flow through every part of the kingdom. The policy before adopted by Queen Elizabeth suggested similar action. For seeing no more efficacious or speedy means of spreading her pestiferous heresy, she imported from Germany heretical teachers,

And our further Pleasure is that upon the next vacancy of a Demy's place you admit John Cuffand[1] into the same, to all the rights, privileges,

[1] John Cuffand, admitted 24 Jan. 1687-8.

A.D. 1687-8, Jan. 'The Scholars bred up under Poulton the Jesuit at the Savoy are to be elected King's Scholars, and sent to Maudlin College in Oxford.'

(Luttrell's *Diary*.)

In 1686 the King had built a spacious house in the Savoy, including a Church and a School for the Jesuits. This School was dissolved immediately after the Abdication. Macaulay says, 'It was not improbable that the new academy in the Savoy might, under Royal Patronage, prove a formidable rival to the great Foundations of Eton, Westminster, and Winchester. Indeed soon after the School was opened the classes consisted of four hundred boys, about one half of whom were not members of the Church of Rome. These latter were not required to attend Mass, but there could be no doubt that the influence of able Preceptors, devoted to the Papacy, and versed in all the arts which win the confidence and affection of youth, would make many converts. Bacon had pronounced the mode of instruction followed in the Jesuit Colleges to be the best yet known in the world, and had warmly expressed his regret that so admirable a system of intellectual and moral discipline should be employed on the side of error.'

(*Memorials of the Savoy*, p. 153.)

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who sowed their abominable doctrines broadcast in the University, and by thus infecting, in the first instance, the flower of the youth with this poison, it readily spread from thence through the whole kingdom. Hence the remarkable fact that England, as by one stroke, now lost the ancient faith. A like success in the opposite direction was now desired for Roman Catholicity.

It has been already mentioned in the Biography of Father Fairfax that the Head of Christchurch, the principal College in the University, was a Roman Catholic, having been received into the Church of Rome by the Oxford Fathers, who served a Chapel that had been prepared there. The Head of University College also was a Roman Catholic, and had a public Chapel, served by the same Fathers, where a large number came to hear Mass. The chief hopes however were placed in Magdalen College, from which the King, in exercise of his Royal Prerogative, had expelled the existing Fellows for an act of contumacy! while he gave the College to Roman Catholics. Father Thomas Fairfax, D.D. was appointed to the Chair of Philosophy, besides teaching the Oriental languages. But this gleam of sunshine was of short duration. The Progress of the Roman Catholic Religion had aroused popular prejudice. Every effort was made by the Bishops and Clergy of the Established Church to thwart the progress of the ancient faith. The minds of the populace were inflamed by the grossest calumnies and inventions, disseminated through the pulpits and the press. The Proclamation of William of Holland, announcing his intended invasion of England as the Liberator of the country was hailed with delight. Before he had effected a landing in Devonshire, lawless and excited mobs in every part of the country made furious onslaughts upon the Roman Catholic Chapels and their Priests. All hope now vanished. Father Fairfax himself with difficulty escaped alive. Some villains attacked him by night in the street, knocked him down, and trampled him under their feet, and had not some persons, attracted by the noise, come up with a light, he would undoubtedly have been murdered.

(Foley's *Records of the English Province S. J.*, vol. v. pp. 954–956.)

The following Letter from Father Henry Pelham, one of the resident Priests in Oxford at this time, is from the original in the Public Record Office, Brussels. It was probably written to the Provincial of the Jesuits, Father John Clare (Sir John Warner, Bart.). It is couched in disguised terms for prudence-sake.

Oxford, 1690, May 2.—Hon. Sir, You are desirous to know how things are with us in these troublesome times, since trade (religion) is so much decayed. I can only say that in the general decline of trade we have had our share. For before this turn we were in a very hopeful way, for we had three public shops (chapels) open in Oxford. One did wholly belong to us, and good custom we had, viz. the University (University College Chapel); but now it is shut up. The Master was taken, and has been ever since in prison, and the rest forced to abscond. In Mag. (Magdalen College)

profits, perquisites, and advantages, to the said places belonging or appertaining, without administering to them any oath or oaths but that of

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we had one good man in a good station, and in time might have had more concern, but now, all is blown over, and our Master, Thomas (Fairfax) Beckett, one evening was flung down in the Kennel, trampled upon, and had been killed, had not one, upon the noise, came up with a candle. In Christchurch though *we* had no man, yet the Master was reconciled by us, and in a short time would have taken one (of the Society) but now he is fled, and the shop shut up. In other places all were forced to fly, and ever since to hide, for fear of the law. . . . No rents are paid, and worse things we expect, if some better settlement be not soon found out, of which we are still in some hope. Converts 7, Reconciled 36, Baptized 43, General Confessions 82, Extreme unctions 45. Thus, in short, I have sent you what I know, and am, Honoured Sir, your very humble Servant, Henry Pelham.

(Foley's *Records*, vol. v. p. 956.)

Among the Fathers at Wardour Castle was Father Thomas Fairfax, alias Beckett, who according to Wood's *Athenæ* was born in 1656 of the Fairfax Family of Yorkshire. He was educated at S^t^. Omer's College, and entered the novitiate at Watton, 7 September, 1675. He passed for a distinguished Scholar, and was professed 2 February 1697.

In the Catalogue of the Province (Hampshire District) for 1701 and 1704 Father Fairfax is described us Procurator of the Province, and Missionary Father, and resided most probably in London. The Annual Letters for 1710 speak of him as labouring in this (the Hampshire) District, 'distinguished for his zeal and fruit.' That he was then stationed at Wardour Castle may be inferred from a certain Document drawn up and signed by him. Father Fairfax died 2 March 1716, aged 60.

(Foley's *Records*, vol. v. pp. 821–823.)

Anthony Wood in his account of Abednego Setter (*Ath.*, Bliss, vol. iv. col. 563) states that he published in one sheet 4^to^ *A Plain Answer to a Popish Priest, questioning the Orders of the Church of England*, London, 1688. Afterwards Thomas Fairfax, one of the intruded Fellows of Magdalen College, came out with a pamphlet entitled :— *Some reasons tendred to impartial people, why D^r^. Henry Maurice, Chaplain to his Grace of Canterbury, ought not to be traduced as a Licencer of a Pamphlet entitled A Plain Answer to a Popish Priest, &c.* It was printed in half a sheet in 4^to^ at the end of *Twenty-one Questions further demonstrating the Schism of the Church of England, &c.*, printed in the Lodgings of M^r^. Obadiah Walker within the precincts of University College, an. 1688.

[3] Edward Meredith.

[4] John Dryden, admitted Fellow 11 Jan. 1687–8.

John Dryden, the second son of the Poet, was born probably in 1667 or 1668, and educated at Westminster School, from which he was elected to Oxford, but instead of being matriculated at Christ Church, he was placed by his Father, now become a Roman Catholic, under the private tuition of Obadiah Walker, Master of University College, a concealed Papist. It is supposed that he went to Rome about the end of 1692, and obtained some office under his Brother Erasmus, a Captain of the Pope's Guards, in the Papal Household. Previously to his leaving England he translated the fourteenth Satire for his Father's *Juvenal*; and while at Rome he wrote a comedy, *The Husband his own Cuckold*, which was acted in London and published with a preface by his Father. He made a Tour in Sicily and Malta, of which his Account, after remaining many years in manuscript, was published in 1776 in an octavo pamphlet. Soon after his return to Rome from this excursion he is said to have died there of a fever, in 1701.

(Chalmers' *Biographical Dictionary*.)

[5] Philip Lewis, admitted Fellow 9 Jan. 1687–8.

[6] Alexander Cotton, admitted Fellow 9 Jan. 1687–8.

Alexander Cotton, a younger Brother of George Cotton, and son of Edw rd Cotton, Esq., and his wife Mary Brett, was born 1637, and after his studies at S^t^. Omer's College, passed on to the English College at Rome 24 September, 16 5, entered the Society of Jesus at S^t^. Andrew's in that city, and left it in 1662–3.

(Foley's *Records*, vol. vii. p. 176

[7] Thomas Guildford, admitted Fellow 9 Jan. 1687–8.

a Fellow or Demy respectively, any Law, Statute, Custom, or Constitution to the contrary in anywise notwithstanding, with which we are graciously

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[8] George Plowden, admitted 11 Jan. 1687–8.

George Plowden, was the son of Edmund, great nephew of Father Thomas Plowden and Brother of Father Joseph, who likewise entered the Society of Jesus. In the Diary of the English College at Rome he is mentioned as George Plowden, son of Edmund, aged 19 years, and to have arrived at the College on the 14th of October, 1670, entering as an alumnus. After receiving minor Orders he was ordained Priest at St. John's Lateran on the 4th of April, 1676, and left the College on the 4th of May following. From loss of records we have no means of tracing the date of his entering the Society, nor of his subsequent career. He was certainly in England at the accession of King James IId, for we find him among the Fellows sent to Magdalen College, Oxford, by his Majesty on the advice of the arch-traitor Sunderland. He was admitted on Jan. 11, 1687–8, and retired on or after October 25, 1688.

(Foley's *Records of the English Province S. J.*, vol. iv. p. 550.)

George Plowden was son of Edmund Plowden, Esq. of Plowden Hall, and his wife Elizabeth, daughter of Richard Cotton, Esq. of Bedhampton, Sussex. Born 1651. After his humanity studies at St. Omer's he entered the English College at Rome 14 Oct. 1670. He is called a Jesuit Father in the Plowden Family Notes, compiled by a member of the Family, but do not find his name in the Catalogues of the Province. He died at Pontoise, March 16, 1690.

(Foley's *Records and Collectanea*, vol. vii. p. 604.)

[9] John Christmas, admitted Fellow 30 Jan. 1687–8.

B.A. Christ's College, Cambridge.

Rector of Cornard Parva, co. Suffolk.

Buried at St. Peter's, Oxford, 28 April, 1743.

Letter from .... in Tanner's MSS. (Bodleian), xxix. 108, dated 1 Nov. 1687.

Reverend Sir. Not long after the receipt of your letter I addressed myself to your neighbourhood of Cornearth (Cornard), and soon found that the truest and fullest account of Mr. Christmas and his proceedings was to be had from Dr. Burrell of Sudbury, his great acquaintance and former Patron. Whereupon I gave the Doctor a visit, and he told me that Mr. Christmas had frequently confessed to him and to others that he was going over to the Church of Rome, and had been inclinable thereunto ever since he came from Mr. Chudleigh's service in Holland. Being asked what motives he had to induce him to do it, he answered that he would say his prayers first, and so fell down upon his knees, and continued in that posture near half a quarter of an hour[1]. After which he rose and made a set and studied harangue, inveighing at large against the bad lives, the oppression, and the uncharitablness of the Professors of the Church of England. In his after discourse he harped much upon our want of Orders, saying, it was damnable for our Clergy, having no other ordination than from the Nag's Head, to officiate as Priests. Some few days after he brought Father Keens, a Jesuit, the younger of that name (John Keynes of the Savoy?) unto the Doctor to argue for him, which hath since caused some interchange of letters between them. At present he lives at his Vicarage house at Cornearth (Cornard), and hath obtained a dispensation from the King to hold his Living, and offered at any time to show it; saying he was going to Cambridge to consult Dr. Basset, and Father Francis, what methods he should take about the supply of the Cure. The revenue thereof is not £40 per annum. Neither hath there been any Divine Service since his revolt, which was about six weeks since ... His discourse now, whenever he comes, begins to be bold, resolute, reflecting, defying all arguments to the contrary, because (he had) got into a Church, whose authority and infallibility, as he saith, is not to be questioned. He was born of Romish Parents, and baptized, as it is said, by Father Whitbread, which is one of the best arguments he useth for his being a Roman-catholic. Bred in the School at Sudbury, afterwards at Cambridge. For some few years under Dr. Covall, by whom he was recommended to the service of Mr. Chudleigh then in Holland, where he continued some small time, and from thence he returned to England. Upon his return he was admitted into Deacon's Orders, and perhaps by my certificate. He hath been a man of sober conversation but no true conformist, for which at a late visitation

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[1] It is said (in the margin) that at times he had been of late delirious.

pleased to dispense in this behalf. And for so doing this shall be your warrant. And so we bid you heartily farewell. Given at our Court at Whitehall the 31st day of December, 1687, in the third year of our Reign. By his Majesty's Command.

Sunderland P.

259.

1687, Dec. 31. Continuation of Dr. Thomas Smith's Diary.

Saturday morning, Dec. 31, 1687, I went to see the Bishop of Chester at his lodgings, where I found Mr. Brooks, the Bishop of Oxford's Secretary, just got in before me. The Bishop told me that he was just come in from Whitehall, and that he had been with the King to recommend one Dr. Vavassor, a Physician, with one arm, who upon the death of his wife had resolved to go into a monastery, but that his friends advised him to get a Fellowship in Magdalen College. The King referred him to Father Peters, who told him that the warrant was full, which was for twelve, all Papists, but that he might be in the next. I asked then what would become of the College Chapel. The Bishop of Chester said that he had spoken to Bishop Leyburn about it, that they, the Papists, should not have the use of the Chapel, there being chambers enough to make a chapel for their use, and that otherwise this would look like turning the Protestants out of it, and that Bishop Leybourn answered him, that he was of that mind, and had declared as much, adding that his advice signified nothing, meaning as he said, that all was done by Father Peters. Then Bishop Cartwright told me that he believed the Chapel would be made use of alternation. Upon this I turned to Mr. Brooks and I said, 'I hope the Bishop of Oxford is of the Church of England, notwithstanding his Book, which was then just published, and was universally decried, as written in favour of the Papists, and I hope also that he will never give up the Chapel to the uses of the Roman worship, and I pray tell him from me that I have served the King as far as my conscience and allegiance will permit, that I could go no further, that if I came down to the College, I would keep up the Service of the Church of England in the Chapel, at the usual hours, and that we had legal possession of it, of which we could not be deprived. I asked the Bishop what will become of the Protestants at last? He answered me that they would be preferred. 'Preferred,' said I, 'well, my Lord, I have served the King as far as I can; but withal I am not only content to lose my Fellowship but my Life too, in defence of the Church of England as established by law.' So the discourse fell.

(*Cobbett*, col. 74, 75.)

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of his church he was reprimanded by me, and the other Visitors. He hath been accounted a popular Preacher but a bitter inveigher of the Church of Rome, notwithstanding which he hath lately declared that he has been inclinable that way ever since he came from Holland, and perhaps the more popular for his so doing.

I rest your ready friend and Servant,

. . . .

[10] Lawrence Wood, admitted Fellow 11 Jan. 1687–8.
[11] John Ross, admitted Fellow 11 Jan. 1687–8.
[12] Augustine Belson, admitted Fellow 9 January, 1687–8.

260.

1687–8, Jan. 4–11. Admission of Fellows.

On Monday the fourth of January, 1687–8, Messrs. Compton, Fairfax, Lewis, Cotton, Guildford, and Belson, were admitted actual Fellows.

On Wednesday the sixth of January Messrs. Dryden, Plowden, Wood, and Ross were admitted actual Fellows, and Robert Hill a Demy.

At the same time Chernock, who came to town the night before, was made Vice-President, Father Lewis, Dean of Divinity, and Father Fairfax, Dean of Arts. (*Impartial Relation.*)

261.

1687–8, Jan. 7. Royal Order for appointing College Officers.

James II^d^. Right Reverend Father in God and Trusty and Well beloved, we greet you well. Whereas we are graciously pleased to have a particular regard for the good constitution of that our College, we have thought fit to constitute and appoint, and do hereby constitute and appoint our trusty and well beloved

Robert Chernock, Master of Arts, to be Vice-President.

Philip Lewis to be Dean of Divinity.

Thomas Fairfax to be Dean of Arts of our said College for and during our pleasure.

Dr. Thomas Smith, Charles Hawles, B.D., William Joyner, M.A. } to be Bursars of the same for the year ensuing.

And accordingly we do hereby will and require you forthwith to admit the said Robert Chernocke, Vice-President; Philip Lewis, Dean of Divinity; Thomas Fairfax, Dean of Arts; of our said College for and during our pleasure; and Dr. Thomas Smith, Charles Hawles, and William Joyner, Bursars of the same for the year ensuing, any Statute or Statutes, Customs or Constitutions to the contrary notwithstanding, with which we do hereby dispense in this behalf. And for so doing this shall be your Warrant, and so we bid you heartily Farewell. Given at our Court at Whitehall the seventh day of January, 1687–8, in the third year of our Reign.

By his Majesty's Command. Sunderland P.

To the Right Reverend Father in God Samuel, Lord Bishop of Oxford, President of Saint Mary Magdalen College in our University of Oxford, and to our trusty and well beloved the Fellows of our said College.

Jan. 11. *Qui omnes, excepto Doctore Smith, juxta Mandati normam, admissi sunt.* *V. P. Reg.*

262.

1687–8, Jan. 8. Letter from William Sherwin.

Sir. I have a great while designed to send you an account of the whole proceedings against Magdalen College, but I write a bad hand, and there is a great deal of it, which has been the reason why I have not

yet done it, but do intend to give you the trouble. In the meantime I thought fit to acquaint you that these following persons have brought their mandates for Fellowships, and I am told his Lordship has been pleased to inform them that it would be very necessary for them to have mandates for their degrees, the University being a stubborn people that would do nothing but by force:—Richard Compton, Thomas Fairfax, Edward Merideth, John Dryden, Philip Lewis, Alexander Cotton, Thomas Guildford, William Plowden, John Christmas, Lawrence Wood, John Ross, Augustus Belson. Hills and Cuffand, Demies. All Papists. Yesterday they brought their mandates for offices, which are:—Charnock Vice-President, Dr. Smith, Hawles, and Joyner, Bursars. Lewis, Dean of Divinity. Fairfax and Alebone, Deans of Arts.

(*Cobbett*, col. 105.)

263.

1687–8, Jan. 14. State of Magdalen College.

It was Saturday before Mr. Chernock sat in the Hall, and then the Master Demies, viz. Thomas Holt, the Senior Demy, Richard Vesey, and John Brabourn, made use of the first opportunity to show him that they disowned his authority by going out of the Hall without asking his leave, whereupon he again put them out of Commons, and crossed their names; which they hearing presently struck off. He then desired to speak with any one of them; and soon after Mr. Vesey meeting him and Father Fairfax together Mr. Chernock said, 'There is no Society of men can live together without being subject to some government or other.'

Mr. Vesey. True Mr. Chernock, and as for the government of this College, I have been longer under it than yourself, and, you know, have been more conformable to it than you have been.

Mr. Chernock. But why did you tear the Buttery Book with the snuffers, and throw bread about?

Mr. Vesey. I know of no such thing, all that I did was dashing off my Cross, which you had no authority to put on my name.

Mr. Fairfax. That is enough, if you be not subject to us, this is not a place for you to live in.

Mr. Vesey. Then I can live somewhere else, and so I defie you all, and disown your authority.

After this they discoursed with Mr. Brabourn to the same purpose.

(*Impartial Relation*, 2d Ed. p. 65.)

264.

1687–8. Letter from Henry Holden.

On Monday the 9th of January these Persons were admitted Actual Fellows, viz. Mr. Compton, Mr. Fairfax, Mr. Lewis, Mr. Cotton, Mr. Gifford, Mr. Belson, and on the Wednesday following (11th) Mr. Dryden, Mr. Ployden, Mr. Wood, and Mr. Rosse, and Robert Hills, Demy; and at the same time Mr. Chernocke was declared Vice-Præses; Lewis, Dean of Divinity, Fairfax, Dean of Arts. On Saturday (14th)) Mr. Charnock sat in the Hall. Mr. Holt, Mr. Vesey, Mr. Brabourn, Demies, took this first opportunity of shewing him they disowned his authority by going out

of the Hall without his leave, upon which Mr. Chernock crossed them, and put them out of commons, which they having taken off, he desired to speak to any one of them; soon afterwards Mr. Vesey met him and Mr. Fairfax together in the Cloister: Mr. Chernock then said, 'There is no Society of men can live together without being subject to some government or other.' *Mr. Vesey.* 'True, Mr. Chernock, and as for the government of this College I have been long under it, and as you yourself know have lived more conformable to it than you.' *Mr. Chernock.* 'But why did you tear the Buttery Book, and throw bread about?' *Mr. Vesey.* 'I know of no such thing, all that I did was taking off my Cross, which you had no authority to put on.' *Mr. Fairfax.* 'That is enough. If you will not be subject to us, this is not a place for you to live in.' *Mr. Vesey.* 'Then I must live somewhere else, and so I defy you all, and disown your authority.' They had the same discourse with Mr. Brabourn. (*MS.* pp. 35, 36.)

265.

1687–8, Jan. 15. Order from the "President."

On Sunday, January 15th, Mr. Chernock sent the Porter to acquaint the Demies, that the Bishop ordered them all to appear before him and the officers on Monday about two of the clock in the afternoon. They answered that they would not obey it as an order, but if he desired to speak with any of them they would wait on him.

(*Impartial Relation.*)

Letter from Henry Holden.

On Sunday Mr. Chernock sent the Porter to the Demies to tell them that the Bishop ordered them to appear before him and the officers by two of the Clock on Monday in the afternoon. Their Answer was, they would obey no order, but if the Bishop desired to speak with any one of them they would wait on him.

(*MS.* p. 24).

On Monday morning they had another summons, and at eleven o'clock Mr. Chernock ordered the Cook to let none of the Demies have any commons but those that were put in by the Commissioners, without alledging any offence. Monday at 2 of the Clock the Demies were again summoned, but they answered they disowned their authority, and would obey no summons, upon which the Buttery Book was sent for, and fifteen of their names struck out, and on Tuesday at dinner-time the following Paper was fixed in the Hall.

Quandoquidem, etc., (see No. 267). (*MS.* p. 24.)

266.

1687–8, Jan. 16. Expulsion of Demies.

On Monday morning the Demies were summoned again, and at eleven of the Clock on the same day Mr. Chernock ordered the Cook to send up no commons to the Demies, except those put in by the Commissioners, without alledging any offence against them. Between one

and two another Summons was sent to them and then they answered that they disowned their authority and therefore would obey no summons from them, upon which fifteen of their names were immediately struck out of the Buttery Book, some of which entered their names again, but one Richard Adams, whose name was struck out by the Bishop and the rest, was put in again by Mr. Chernock. (*MS.*)

267.

1687–8, Jan. 17. As above.

The next day being Tuesday (Jan. 17) the following Paper was fixed up in the Hall:—

Quandoquidem Magister Holt, Mr. Adams, Mr. Vesey, Mr. Brabourne, Dominus Hyde, Ds. Woodward, Ds. Fulham, Ds. Walkins, Ds. Stacy, Ds. Sherwin, Ds. Kenton, Bush, Cross, and Wells, Scholares Collegii Magdalenensis, Universitatis Oxon: vulgo dicti Demies, contra Statuta et Ordinationes hujus Collegii jamdudum rebelles et inobedientes extiterint, et usque modo in rebellione et in obedientiâ perdurent, et conspirationes contra quietum regimen hujus Collegii aut fecerint, aut facientibus consilium vel favorem præstiterint, et ea facta perpetraverint, quibus grave damnum, prejudicium, et scandalum dicto Collegio generetur, de quibus per evidentiam facti convicti sunt, idcirco Præses, Vice-Præses, et Decani dicti Collegii, auctoritate nostrâ Scholares prædictos amovemus et privamus, et eos ex nunc amotos et privatos esse declaramus. Dat. in Collegio nostro Magdalenensi Decimo Sexto die Jan. 1687–8.

Sam. Oxon. Præses.
Rob. Chernock, Vice-Præses.
Phil. Lewis, Theolog. Decan.
Tho. Fairfax, Art. Dean.

(*Impartial Relation.*)

The expelled Demies stood in the following order:—

1. Thomas Holt, Senior, M.A.
4. Richard Adamas, M.A.
6. Richard Vesey, M.A.
8. John Brabourne, M.A.
10. Lawrence Hyde, B.A.
11. George Woodward, B.A.
14. William Fulham, B.A.
15. Richard Walkins, B.A.
16. Daniel Stacey, B.A.
17. William Sherwin, B.A.
18. John Kenton, B.A.
19. Maximilian Bush.
22. John Cross.
23. Theodore Wells.

268.

1687–8, Jan. 17. Letter from William Sherwin.

'Sir, I received your last, and return you my most humble thanks for your kindness in it. Mr. D— being with you before this makes me think it needless to give you any account of that matter you mentior d. I hope that you received the Papers, which I had sent you long si ce could I have had time to put them together.

'On Sunday last (Jan. 15) the virtuous Mr. Charnock, Vice-Presic nt of Magdalen College, crossed most of the Demies, and sent them w rd that the Bishop commanded them to appear before him at two o'cl ck

on Monday. They returned this answer that no one now in the College had any power over them, neither would they obey any commands from them, upon which the Book was sent for to the Bishop, and these following persons' names struck out: Mr. Holt, Mr. Adams, Mr. Vesey, Mr. Brabourne, Ds. Hyde, Ds. Woodward, Ds. Fulham, Ds. Watkins, Ds. Stacy, Ds. Sherwin, Ds. Kenton, Bush, Cross, Wells; the rest will all follow. Will. [William Sherwin, son of the writer] upon the advice of good friends is entered in Edmund Hall.'

In one of Sherwin's letters is enclosed a list of the thirty-seven actual Fellows of the College, some of whose names are distinguished by the mark of *Ab.* The names of Dr. Thomas Smith, Mr. Thompson, and Mr. Charnock are distinguished by a cross. And the following note is made to the list, 'Those gentlemen whom you find *Ab.* I believe will all be turned out, and for those that are crossed I think of Dr. Pelham's opinion[1] that 'no man of sense would ever quit a Fellowship unless he was required to deny the Holy Trinity.'

(*Cobbett*, col. 105, 106.)

269.

1687–8, Jan. 19. Continuation of Dr. Thomas Smith's Diary.

I had heard somewhile after my coming to London that several Masters of Arts in Oxford were very desirous of getting Fellowships in the College, making not any scruple in the least of succeeding in the vacant places; and I was fully satisfied of the truth of the report, some of them coming up afterwards to try their interest here in order to procure mandates for their admission. But all the Recommendations of Bishop Parker or Bishop Cartwright could not prevail in their behalf, and Father Petre, who had the management of the affair, would not give way to it, which was looked upon as a strange kind of politie in him, unless it was done designedly by the person, who influenced him as well as the Public Councils too much, Lord Sunderland, to exasperate and embarrass the King's affairs, and render him more odious to his Protestant subjects, many of whom now began to be alarmed with the report, which upon this refusal was soon after confirmed by the sending down a mandate for twelve persons, all of the Roman Communion, that Magdalen College was to be turned into a Papist Seminary. This helped to blow the coals, and kindled that jealousy in the minds of several, who before upon better information thought the King injured by the Fellows, and justly provoked to proceed to that severity against them, which afterwards broke out into factious discontents against his Person and Government: Upon the opening of this new scene, I was more and more confirmed in the resolution I had taken when I left Oxford just after the Visitation, not to return; and was very indifferent what became of my Fellowship. Mr. Charnock, whom they had made Vice-President, sent to me a Letter dated January 19th, citing me to come down, which citation I slighted, and did not think fit to answer the foolish Letter; and left them to proceed against me as they pleased.

(*Cobbett*, col. 75, 76.)

[1] Herbert Pelham, Fellow 1621-1671.

270.

1687–8, Jan. 24. Admissions.

Admissus est Cuffand in numerum semi-communarium.
John Cuffand. *V. P. Reg.*

1687–8, Jan. 30.

Johannes Christmas A. B. admissus est in verum et perpetuum Socium hujus Collegii. *V. P. Reg.*

On the 30th of January John Christmas, an apostate Divine, was admitted Fellow of the College. (*Holden MS.*, p. 24.)

271.

1687–8, Jan. 31. Expulsion of Demies.

The following notice appeared in Hall with reference to three more of the Demies:—

Quandoquidem Samuel Cripps, Georgius Stonehouse, Carolus Livesay, juramentum in admissione præstitum minimè observaverint, et intolerabiles in rebellione extiterint, quo grave damnum et scandalum nostro Collegio injicerent, de quibus per evidentiam facti convicti sunt, nos igitur Præses, Vice-Præses, et Decani, prædictos rebelles a nostro Collegio ex nunc amovemus. *V. P. Reg.*

Order of the above-mentioned Demies:—

2. Samuel Cripps.
9. George Stonehouse.
12. Charles Livesay.

272.

1687–8, Feb. 14. Letter from Dr. Obadiah Walker to Dr. Johnston.

Sr,

I have deferred thus long to return to yours of Jan. 29, rec̄d by me Feb. 4, because I would endeavor to satisfy your desires as much as lay in my power. I am not Master of any records or Authenticall writings of that nature, & therefore employed a very discreet & intelligent person to assist mee; but he having a defluxion lately fallen into his eies is not able to read any thing concerning it or anything else. Besides all the Muniments & records of the Univ̂ersity are in the hands of & custody of one from whom we cannot expect any assistance. What I can recollect of my own experience is; that the King from time to time did send mandates to particular Colleges for the electing of such as he pleased; wch were never opposed, tho sometimes evaded. In the great revolution after the surrender of the towne, when we were threatned a Visitation by the Parliament, we pleaded to it upon the ground, That the King alone was the founder of the Univ̂sity, that he alone had the power of visiting & disposing both of persons & places &c. & would the King com̃and us by his great seal wee were ready to obey. This came to a solemne hearing, & the case was determined against us by ye Parliament, who, as pretending to the supreme power, gave com̃ission to certain persons (most of them of mean quality) to visit us; wch

they did, & calling us (man by man) before them ask'd us whether we would submit to the power of the Parliam^t, such as denied & appealed to the King, were openly banished, & prohibited for coming within 5 miles of the Town; some Colleges were entirely cleared, & almost all were deprived of the maior part of their fellows, & the Visitors sent for other persons (of divers sorts &c.) & filled up the vacant places by them: this was in 1648; nor was any of us restored till the King's return, & by Comissioners appointed by him. I have perused a book (Pyrrhus Corradus Praxis Dispensationum) but finde nothing in him to y^r purpose, his whole designe being about Dispensations Papall: other Author I know not any. But meethinks nothing can be more plain, then y^t he who makes us Corporations hath power also to unmake us, if we deserve it, as certainly the Magd-Coll. men have done.

I received (when his Ma^ty was in town) 18 of y^r books, but w^thout any letter advice or direction what to do w^th them, or the price of them. I have sold onely 3 of them; for w^ch (& more if I can vend them) I shall give you account at my coming to London, w^ch I suppose will not be long deferred, & mean-while if my friend recover or if I can any other way serve you in this designe, you shall not fail of my diligence. O^r good lord direct you in this & all other y^r affairs.

S^r Y^r humble servant

Feb. 14, 168$\frac{7}{8}$. Obad. Walker.

(*Endorsed:*)—For D^r. Nath. Johnston at the Iron balconey in Leicester Street neer the Square. London. (*Johnston MS.*)

273.

1687-8, Feb. 19. As above.

S^r,

I send you by M^r. Bartlets wagon . . departing hence to morrow & inning at the Oxford-Arms in Warwick lane Prinns answer to the Univsities plea conc: Visitaōn: the plea it self (if to be had in this tour) shall accompany it; I have sent to divers freinds to lend it mee, if they have it. There are also some notes concerning former Visitations (the King had the discourse a great while agoe) if they may be serviceable unto you. My freind is not yet able to study, but hath promised to draw up the heads of what he hath to say, w^ch as soon as received shall be sent unto y^t if any of them will be serviceable he may prosecute them further. M^r. Anth. Wood's book (*Historia & Antiquitates Univsitatis Oxōn*) hath many things concerning o^r Visitations, out of w^ch those notes in writing are sent to you. I have spoken to the Magdalenians to assist you; but they complain that they cannot come at their Registers, w^ch are kept still in the power of the expelled fellows: but methinks the Vice-p^rsident might fully inform you of the historicall passages; I will solicite him the first time I can see him. Being sorry that I cannot contribute any thing more to y^r excellent designe; & wishing you not to bee too hasty in printing it, I remain S^r Y^r humble servant

Feb. 19, 168$\frac{7}{8}$. Obad. Walker.

(*Endorsed:*)—For D^r. Nath: Johnston at the Iron balcone in Leicester-Street near the feilds. London. (*Johnston MS.*)

274.

1687–8. Feb. 24. Admission of Fellows.

A Mandate came from Lord Sunderland directing the College by the King's command to admit our trusty and well beloved Father.

Thomas Constable, one of our Chaplains [1], admitted V. S. 16 March,
John Austin Bernard, M.A.,
Thomas Clerke, M.A., admitted V. S. 2 March,
Robert Chetleborough, M.A., admitted V. S. 2 March,
John Denham, B.A., admitted V. S. 2 March,
John Woolhouse, B.A., admitted V. S. 2 March,
Charles Brockwell, B.A., admitted V. S. 5 March,
Stephen Gallaway [2], admitted V. S. 2 March,
and
Francis Hungate, to be admitted Fellows of our said College. Admitted V. S. 2 March. *V. P. Reg.*

1687–8, March 2. M^ri^ Clerke, Chetteborough, Denham, Woolhouse, Galloway and Hungate admissi sunt juxta mandatum sup. dictum. *V. P. Reg.*

1687–8, March 5. Admissus erat M^r^. Brockwell, A.B. *V. P. Reg.*

1687–8, March 16^th^. Reverendus Pater, Thomas Constable, admissus est. *V. P. Reg.*

275.

1687–8, March 3. Letter from D^r^. Hough to the Hon^ble^ Andrew Newport, Brother to Francis Viscount Newport [3], from Worcester College, i. e. the College Green, Worcester.

Sir, when I was in London in November last, several honourable persons, who had a compassion for my Brethren of Maudlins, were pleased to advise with me what course might be taken to make them less sensible of the severities they had lately suffered, and because it was reasonable to suppose that some might be under present straits, and most would want a future support, they expressed themselves ready to relieve both, and only desired information in their particular circumstances, that so their generosity might be suitably applied. I thought this was the least matter I could undertake both in gratitude to those, who had suffered *with* me, and, if I may without breach of modesty say it,

[1] In the old Cemetery of S^t^. Pancras is, or was, the following Epitaph: 'Here lyes the Body of Thomas Constable of the County of Norfolk. He lived in the noble family of his Grace the Duke of Norfolk thirty-nine years, and died in his Gra[ce]'s Service. A man of exemplary piety and charity, who departed this life July 2, 17[1]2, in the 65^th^ year of his age. *Requiescat in pace.*

[2] Stephen Galloway died at his house, near Red Lion Square, London, 23 Jan. 1[7]1[1], a noted Roman Catholic Physician.

(Cansick's *Epitaphs of St. Pancras*, p. 35.

[3] The original MS., of which this is taken from a copy, was found in a Box of Writings at Bestlow in the Parish of Wroxeter and County of Salop.

in a great measure *for* me, and in obedience to commands laid upon me by such as I had all imaginable duty and honour for. Yet this, though managed on my part with all the privacy and prudence I was Master of, was so invidiously represented to his Majesty, as very much heightened his displeasure towards me. It was said I lived in Town only to be the centre of correspondence betwixt those poor men and such of the Nobility and Gentry as were disaffected; and I had notice from no mean person, and one above suspicion, that if I did not take care in time this perhaps would be reputed more criminal, and I should find it more mischievous in the effects than any thing that had hitherto befallen me. Upon this admonition I left the Town, and was forced to forbear all farther intercourse with my friends at Oxford. The only service I could do them was to leave a catalogue of their names, qualities, and circumstances in the hands of some worthy persons that pitied them, which accordingly I did, and how they have sped since I am not certainly informed. Many of them were not in Orders, who are since rendered incapable of being so: but, Blessed be God, they are able to live without. Several of the rest are preferred, some to small Livings, and others into good Families; but whether any yet remain destitute, or who they are, is more than I know. I shall have a convenience of sending to Oxford on Tuesday next, and if I find any of them unprovided for, who is qualified to live in a Family, where he will, Sir, have the honour of your conversation, I shall presume to recommend him, and will not fail to give you speedy notice of it in Shropshire. The relation I have to these poor Gentlemen makes it my duty to own the favours that are placed upon them; and for my own particular I protest the satisfaction of seeing ourselves not disowned by Persons of your character does very much overbalance all the troubles that yet have, or can possibly, befall me. I am, Sir, your most obedient and most obliged Servant,

J. Hough.

It is above a month since I left Sergeant Birche's, so that I have not yet received the honour of your letter that was directed thither.

276.

1687–8, March 14. Mandate for Richard Short[1] to be a Fellow of Magd. Coll.

To the Right Reverend Father in God, Samuel, Lord Bishop of Oxford, President of St. Mary Magdalen College in our University of Oxford, or, in his absence, to the Vice-President of our said College.

[1] Richard Short. Med. D., was descended from a Suffolk family, but was actually born in London, and was the son of Thomas Short, and his wife Elizabeth Cresner. When twelve years of age he was sent to the English Secular College at Douay, where he arrived 20 May, 1682. Having completed his humanities at Douay he returned to England, and was, as we see, admitted Fellow of Magdalen College on the displacement by James II[d] of the Anglican Fellows. On the restoration of these Richard Short returned to Douay, where he arrived 16 November, 1688, Having spent two years there in the study of Philosophy, he set out for Montpelier in order to study Physic. There he proceeded Doctor of Medicine 26 March, 1694; and then passed on into Italy to perfect himself in his profession. Returning homewards he passed some months in Paris, intent on the study of anatomy and operations. Settling in London he was

James R. Right Reverend Father in God, we greet you well.

Whereas there are several Fellowships now void in that our College of S^t^. Mary Magdalen, we have thought fit hereby to signify our will and pleasure to you that you forthwith admit our trusty and well beloved Richard Short to be a Fellow of our said College, with all the rights, privileges, profits, perquisites, and advantages to the same belonging or appertaining, without administering unto him any oath or oaths but that of a Fellow, any law, statute, custom, or constitution to the contrary or any wise notwithstanding, with which we are graciously pleased to dispense in this behalf. And for so doing this shall be your Warrant. And so we bid you heartily farewell. Given at our Court at Whitehall the fourteenth day of March, 1687–8, in the Fourth year of our Reign.

By his majesty's command.

Sunderland P.

(From the original in the Library of the monastery of the Dominican Friars at Woodchester, near Stroud.)

277.

1687–8, March 21. Death of the "President."

Obiit Samuel: Episcopus Oxon: et Præses hujus Collegii. [*V. P. Reg.*]

Soon after the expulsion of the three Demies last mentioned the Bishop became seriously ill, and died on the 21^st^ of March in the room of the Lodgings well known to us in later times as the study of the late venerable President D^r^. Routh.

A confidential servant was with him when he received the last Mandate to admit nine more Roman-Catholics as Fellows. 'I am sure,' said she[1], 'I never saw him in such a passion in the sixteen years I lived with him. He walked up and down the room, and smote his breast and said, "There is no trust in man: there is no trust in Princes. Is this the kindness the King promised me? To set me here to make me his tool and his prop! To place me with a company of men, which he knows I hate the conversation of!" So he sat down in his chair, and fell into a convulsive fit, and never went down stairs more till he was carried down. I am sure that he was no Roman.'

During his sickness he was visited by some R. C. Priests, but they, as many others, were surprised to find, that upon their exhorting him to reconcile himself to the Church of Rome, he told them that he neither was, nor would be of their Communion[2].

I happened, writes another witness, to be in Oxford the night before

admitted a Licentiate of the College of Physicians 22 December, 1696, became a noted Practitioner, and had a special regard for the poor, whom he attended in cellars and garrets, not only in quality of Physician, but occasionally administering to them b-th in their temporal and spiritual necessities. His zeal at last in visiting the poor hav ıg prejudiced his health, he was cut off in his prime about the year 1708.

(Munk's *College of Physicians*, vol. i. p. 469. Dodd's *Church History*, vol. iii. p. 4(↳)

[1] Letter from Mary Harding to M^r^. Samuel Parker in *Fog's Weekly Journal*, 15 Oct. 1729. See also *The Craftsman*, 29 March, 1729.

[2] D^r^. Routh's note to Burnet's *History of the Reign of King James II^d^*, Ed. 1(2, p. 261.

he died, and though he was then incapable of conversation, yet I was assured that he had received the Sacrament of the Lord's Supper, according to the form and usage of the Church of England, from the hands of Dr. Lowth; and that some time before he had convened the Fellows of the College, and in their presence had made a free declaration of his sincere adherence to the principles of the Church of England in opposition to those of the Roman-Catholic Church, against which he made a remonstrance in the presence of the persons forementioned, declaring that he should not give any favour to the encouragers of the Roman interest[1].

He was buried by torch-light on the 24th of March on the south side of the ante-chapel. No memorial marks the place of his interment, but epitaphs were not wanting from those, who considered that he had betrayed the Church, in which he held so high a position.

Hearne gives the following:—

Hic situs est Samuel Parker, Archidiaconus Cantuariensis, Episcopus Oxoniensis, qui Patrem et Matrem et Fratres deseruit. O ter felicem! si pro Christo.

Hâc, alieni Raptor honoris
Usque librorum vana minantium
Futilis autor, ore bilinguis,
Fronte bicornis, conditur urnâ
Samuel Oxon:

Dr. Bliss in a note to Wood's *Athenae* (vol. iv. col. 872) adds one, which would seem to have been composed by the Bishop himself:—

Hic jacet Samuel Parker Oxoniensis Episcopus
Omnes simultates et privatas inimicitias
Non modo non fovi sed contempsi
Sola integritate fretus.
Nec vivere erubesco, nec mori reformido,
Fide non infelix, spe felicior;
Præsentem vitam utcunque sustineo meliorem
expecto
Divinam Providentiam tam credo quam opto.
Multa legi, cogitavi, scripsi;
Omnia ex cujusque Rei principiis orsus;
Et tamen nulla magis scire videor,
Quam quæ per Fidem excepi.

Anthony Wood finishes his remarks on the Bishop (*Ath.*, Bliss, vol. iv. col. 235) by stating that he, 'dying in the President's Lodgings in Magdalen College about seven Oclock in the evening of the twentieth day of March, 1687–8, was buried on the twenty fourth of the same month in the south part of the outer chapel belonging thereunto.'

Letter from Bishop Tanner to B. Willis. *Willis MSS.* fol. xlv. 226.

'I have several of his (Bishop Parker's) violent letters, which show in a

[1] Thomas Johnson, Minor Canon of Canterbury, to Mr. Samuel Parker, in *Fog's Weekly Journal*, 25 Oct. 1729. *Rawlinson MSS.* (Bodleian), B. 207.

very different light from that epitaph[1]. He was made Bishop very much against the inclination of Archbishop Sancroft, whom he traduced to King James. He was buried on the south side of Magdalen College outer Chapel.

278.

1688, March 30. Admission of Demies.

Literæ Regiæ a Vice-Præside (R. Chernocke) receptæ sunt ut quidem admitterentur in numerum semi-communariorum.

The Mandate in the same terms as the former orders the Vice-President and Fellows to admit

John Huddleton,
John Bonnington,
John Eales,
William Hungate,
Charles Lavery,
Edward Casey,
Samuel Cox,
Thomas Blunt,
John Digby,
Thomas Seymore or Leymore,
Henry Colgrave,
Thomas Ashwell,
James Eden,
John Duddell,
Robert Stafford,

to be demies of our said College.

279.

1688, March 31. The New "President."

Admissi sunt Casey, Cox, Blunt, Leymore, Ashwell, et Duddell in numerum semi-communariorum.

Eodem tempore Vice-Præses et Socii lætabundo corde accepêre mandatum Regium ad constituendum admodum Reverendum Patrem, Bonaventuram Gifford Episcopum electum Madaurensem, Præsidem hujus Collegii.

V.P.Reg.

1688, April 9. Letter from D'Adda, the Papal Nuncio.

'The death of the Bishop of Oxford, that has taken place a few days since, has given room to put the suggestion of Lord Sunderland into execution, namely, to attach Magdalen College to the direction of one of the new Prelates in order to be able to establish there with authority a place, where the true doctrine should be publickly taught, and thence spread consecutively to the other parts of the realm. For this office his Majesty has destined Mons. Gifford, a learned and zealous man, who will to the utmost of his power make so useful a study fructify. His Majesty has communicated to me the election he has made together with the condescension of providing therein that the means should be suitable to introduce and found in a University, so celebrated in these parts, those studies, which for so long a time have been banished therefrom; and that the party should be commendable, in order to derive

[1] See his own epitaph above. There are nine letters written by Parker amongst Bishop Tanner's MSS. in the Bodleian, besides other papers relating to him.

therefrom every possible advantage, which is expected to be very great also in the education of many students, who, on account of the College being rich, will be able to be maintained there in a competent number. His Majesty told me that the said Bishop died without any religion, as are the greater part of the principal men, who make the most noise when the smallest advantage whatever is in the favour of (Roman) Catholics. Many of these Bishops are known by every one as Presbyterians in profession.'

(Appendix to Macintosh's *History of the Revolution*, p. 652.)

1688, March 31. The Mandate for admitting Bonaventure Gifford[1], D.D. and Bishop of Madaura *in partibus*, to the Place of President having been read, *immediatè admissus erat.*

V.P.Reg.

280.

1688, April. Continuation of Dr. Thomas Smith's Diary.

'Bishop Parker dying, and Dr. Gifford, titular Bishop of Mandaura succeeding to the Presidentship, and the College now filling apace with Popish Priests and others of the Roman Communion, they seized wholly upon the College Chapel for the uses of their religion without any regard to the Protestant Fellows and others not only servants but gownsmen of the Foundation, who still kept their places and resided among them.

[1] Bonaventura Gifford, son of Andrew Gifford of Northampton, a branch of the Giffords of Chillington, was born in 1643. He was educated at Douay and Paris, took the degree of D.D., and on the 22d of April, 1687, was consecrated Bishop *in partibus*, with the title of Bishop of Madaura. King James IId appointed him, in 1688, President of Magdalen College, Oxford, after he had expelled the old President and Fellows; but he had to resign this dignity in October of the same year, on the restoration of the old President. Bishop Gifford lay concealed for some time on the outbreak of the Revolution, but was at last seized and cast into Newgate Prison, where he remained for nearly a year. He was then released, and lived privately in London, and died at Hammersmith, 12 March, 1733, at the advanced age of eighty-nine.

(Foley's *Records of the English Province S. J.*, vol. i. p. 543.)

He was buried in the Cemetery of St. Pancras in the same tomb with his Brother Andrew, and the following inscription was cut on the stone that covered their remains:—Sub hoc lapide junguntur cineres fratrum duorum in vita conjunctissimorum, Bonaventuræ Giffard, E.M.V.A. et Andreæ Giffard, E.R.P. Qui, ex nobili in Agro Staffordiensi Familiâ oriundi, pietati in Deum et charitati erga homines eximie inde a juvenilibus annis se totos dedentes, bonis ideo apprimè chari, Malorum vexationibus quandoque objecti, egregiâ semper apud omnes famâ, omnia, quæ virtutem, ingenium, doctrinam sequi amant, bona malaque affatim experti. Deficientibus demum corporis viribus, aliis plorantibus, ipsi læti huic mundo oculos clauserunt, meliori mox apperturi. Vade Lector, et quod vitæ superest similiter impende, sic tibimet ipsi optimè consules. Sic illis dum vixerunt quantum fecisses maximam [?], sic etiam mortuos lætari facies. Vale .... Jam feliciter .... sap .... Bonaventura natus A.D. 1642. Obiit Martii 12, 1734. Alter natus.... Obiit Sept. 14, 1714. Requiescant in pace.

After he had been discharged from prison, he lived privately in London under the connivance of the Government, which gave him very little disturbance, being fully satisfied with the inoffensiveness of his behaviour. He died at Hammersmith. By his Will he directed that his body should be opened, and his heart taken out and sent to Douay College to be preserved there in spirits, and his body to be interred in St. Pancras' Cemetery.

(MS. Notes to Dodd in Magdalen College Library.)

Though I am not certain but that they said Mass in the Chapel, I had sometime, or at least upon particular occasions, the use of it before Bishop Parker died, who was herein, it may be, overruled and made no opposition. But whether so or otherwise, I cannot be positive having received no full information.'

(*Cobbett*, col. 76.)

1688, April. The Chapel at Magdalen College in Oxford is fitting up for the service of the Roman Catholics settled in that College.

(Luttrell's *Diary*.)

Their Form of worship was set up in the College Chapel. The Candlesticks used at it were not long since preserved in the Buttery[1].

(Dr. Routh's note to Burnet's *Hist of James II*, p. 262.)

281.

1688, May 21. Continuation of Dr. Thomas Smith's Diary.

'I consulted Bishop Lloyd of St. Asaph what I might or ought to do in this case (of the College Chapel) whether I should go down to Oxford and make use of the Chapel in the way of the Church of England, and keep up our liturgick service there, which he told me was a good thought and design, which God had inspired me with. But however we have thought it best to advise with an able lawyer or two; whereupon he immediately wrote a letter to Sir John Holt, recommending me and my case to him, which the Bishop had stated.

'Upon my going to Sir John Holt with my letter, which he read, he told me that it was a cause in which the King was concerned,—that he was the King's Serjeant, and of Council for the King, and so could not be retained by me, or give me any advice, and excused himself to me with a great deal of civility. This was about the 21st or 22nd of May.

'Then I went to Sir Francis Pemberton with the case, who, refusing to take any fee of me, told me frankly that it was no way advisable for me to go down to Oxford to demand the use of the Chapel:—that it would be to no purpose:—that I would thereby incur the censure of folly, rashness, and madness:—that I would but run my head against the wall, and that upon their expelling me I could meet with no redress in Westminster Hall, and much to this purpose; so his advice was that I should desist from this attempt. I went immediately to the Bishop of St. Asalph, who was fully satisfied with the opinion and judgement of this greatly honest and greatly learned lawyer.'

(*Cobbett*, col. 76.)

282.

1688, June 4th. Royal Mandate respecting Bonaventure Giffor

'By these present we do commit to you alone the full and sole pow of nominating and admitting all such persons as you alone shall jud

[1] When the Chapel was restored in 1830 these Candlesticks, or possibly copies f them, were placed on the Chapel Altar, where they still remain.

qualified according to the Statutes of the Founder to Fellowships or Demies' places, to the Divinity Professorship, or Lecturers' places: to the Schoolmaster's place, and to all other places in or belonging to the said College.' *V. P. Reg.*

283.

1688, July 4. Letter from Dr. Fairfax (to Dr. Johnston?).

Maudlin Coll: ye 4th: of July 88.

Hond: Sr,

My necessary absence out of town for ye most part of last week was ye occasion of deferring my answer to yrs of ye last month. As to ye particulars, you desire to bee satisfyed in, wt I can say now is,

1o. I have used all care & in ye Search after ye Register E. cited by Mr. Wood, wch contains ye transactions of ye time of Edw: ye 6th, Q: Mary, & ye first times of Q: Eliz:, but it cannot bee found; yt it was not lost in ye Warr is evident, because Mr. Wood made use of it for his booke by leave of Dr. Clerk President, and is ready, wn called uppon to make Oath yt he has seen it & used it about 13 ye: agoe in ye Colledge. he told me, he feared, it might be secured from us, and yt wt concerned Dr. Haddon, was there at large, as also Dr. Coveney, &c. as to Dr. Hump .... proceedings, he has no distinct memory of them.

2o. Concerning elections. 1o. ye Oath of ye fellowes in ye election of a President is this. Postpositis omnimodis .... favore; odio, *timore*, invidia, partialitate, affectione consanguinitatis, affinitatis, facultatis et scientiæ, necnon acceptione personarū, et patriæ, et occasione quacunq; precis, aut pretij cum omni celeritate quâ poterint, nominab... unū vel duos de Socijs ipsius Coll:, aut de illis, qui aliquando fuerint Socij ipsius Coll:, et ex causis licitis .... honestis inde recesserunt, vel nominabunt unū vel duos de Sociis nostri Coll: Bae Mariæ Wintoñ in Ox .... vel de his qui quondā fuerint Socij ipsius Coll: nostri, et ex causis recesserunt honestis. Ita vero quod nominent duos ex pdictis Collegijs, vel ex altero eorundē, quoi in ipsorū *conscientijs* magis *idoneos su* ..... *tes*, *discretiores*, *utiliores*, et *aptiores* ad subeundū, gerendū, faciendū et exercendū Prsidentis Officiū .... vicint et firmiter crediderint. Now ye many oppositions to ye Mandatory Prsidents were all grounded on the ... last noted particulars, and yet ye Kings and Queens dispensations overruled ye pleas of conscience th...., as Mr. V. President in a tract on this subject makes appeare, in Dr. Bond's case in Q: Eliz: time, and D.... in the late Kings. 2o. as to ye Demy's. ye Statute allows their admission at 12 but to continue in ye .... onely to ye age of 25, wch has not been observed. their election is by ye Statute referred to ye Prsident, V.... and ye 3 Deanes. their qualification, that they bee bonis moribus ac conditionib; preornati in literis et idonei ad studendū et *realiter proficiendum*: that ye best monyed was best qualifyed of late in Dr. Clarks time is notorious, and Mr. V. Pr.... will expose ye whole Juggle of Maudlin fayre, as their election was commonly and deservedly stiled.

3o. As to ye qualifications of a Fellowe to bee admitted, it is required yt Primā tonsurā Clericalem hab... nullū impedimentū canonicum præter defectū ætatis habens ad Sacerdotium sit aptus et dispositus, bonis conditionib;

et morib; perornatus, et ad realiter proficiendū habilis et idoneus. And these particulars all y^e^ Electours are specially (?) sworn to, and their consciences by y^e^ Founder *arctius onerata*, ut cessentibus omnimodis odio, amore, ... acceptione patriæ, personæ, prece, pretio, cæterisq; coloribus, occasionib; et causis postpositis quibuscunq; in *nulū aliū assumendū*, vel *admittendū* consentiant, nisi quē specaverint et *firmiter credidere* .... in eodem Coll: ad Dei honorē, et proficiū Studij Scholastici effectualiter posse et velle proficere. And yet fellowes have been admitted by mandate contrary to y^e^ opposition of y^e^ Coll:, fellowes have been admitted by resignation, y^e^ candidate payeing his 100^ll^ for his place &c.

3°. Concerning y^e^ Statute ag^t^ Woemen servants. The title is Quod omnia Ministeria fiant per Masc... and y^e^ body. Ordinamus autem pro perpetuis futuris temporib;, ac firmiter observari p^r^cipimus singula ministeria dicto Coll^o^ et personis eiusdē competentiā, p^r^sertim infra maniū collij fiant per Masculos, ut quolibet sinistra suspiere (?), quantū fieri poterit, cautius evitetur. nisi f..... Mapparū ac aliorū usualiū vestimentorum lotrix, que per manus Janitoris singula re... sic lavanda in defectu Lotoris masculi, quā talis ætatis, talisq; conditionis esse volumus, in quā suspicia cadere verisimiliter non debent. Now this house has Swarmed with Bedmakers to y^e^.....

4°. As to y^e^ Masses, Commemorations &c, the Statute is 4 leaves long, and so I shall begg leave not to transcribe it. besides y^e^ different Masses every day, 4 solemn obits are enjoyned, particular prayers for ye Cofounders and benefactours Soules, particular persons enjoyned dayly to pray for such. &c.

5°. As to y^e^ primitive Statutes, wee have not y^e^ Original, neither have wee any reason to suspect that our Transcripts are any wise unfaithfull.

I shall add 2 more remarks w^ch^ I have made in y^e^ reading over y^e^ Statutes. ye first is, a severe prohibition ag^t^ goeing to y^e^ tavern, or playeing at cards or dice in y^e^ Coll: or University; for y^e^ 1^st^ time y^e^ penalty by y^e^ Statute is privation of Commons for a week; y^e^ 2^d^ time for a fortnight, y^e^ 3^d^ time for a month, y^e^ 4^th^ time, Expulsion. how this has been observed, y^e^ Common room Speakes, where as y^e^ pot and y^e^ pipe, So y^e^ tables and dice were dayly exposed for y^e^ use of all, and there kept for their use for many years last past. And as for tavernhants, I need say nothing.

y^e^ 2^d^ thing is severe ordination to keep all our houses built at y^e^ Founders expenses in good repayre; and this *sub obtestatione divini judicij*. Now these very men, (at least a great part) w^ch^ were expelled, conspired to pull down 2 sides of y^e^ quadrangle of our Coll: of Brakely in Northamptonshire, and sold y^e^ materialls; a place built by y^e^ founder for y^e^ Colledge to repayre to in case of plague, or fire in Oxford.

Lastly it may be proper for you to have Wainfleets clause in his own wordes in y^e^ conclusion of y^e^ Statutes. Inhibemus quoq; Statuentes et ordinantes specialiter, et expressē sub *interminatione divini judicij inte dicimus* dicti Collegij nr̄i Præsidenti, et V. Præsidenti ac Socijs ac Schol cibus ejusdem universis et singulis P^r^sentibus et *futuris*, ac in *virtute Iure menti* ipsis et ipsorū cuilibet in admissione ad Collēg: nrū p^r^dictu p^r^stiti admonemus et hortamur in Dnō, ne ipsi collegialiter conjunctim v divisim aliquis alias Ordinationes vel statuta, declarationes, Interpretatione

Immutationes, Injunctiones, Expositiones, vel Glosas presentibus nostris Ordinationibus et Statutis, vel ipsorū plano, et sano grammaticali, et literali intellectui quomodolibet adversantes, repugnantes vel repugnantia, *derogantes* vel *derogantia*, nisi per nos edenda, *acceptent*, nec hujusmodi fieri procurent, aut eisdem *utantur publicè* vel occultè, directè vel indirectè. by virtue of this Statute, our Socij *futuri* have a great deal to answer for.

I am sorry I could not find y^e^ Register both for y^e^ King's and y^r^ sake; I have ground to Suspect y^e^ Register is where y^e^ Keys of y^e^ Treasury are, y^t^ is, carried hence by y^e^ expelled Fellowes. I am Hon^d^ S^r^,

Y^r^ very faithf^ll^ servant

Tho: Fairfax.

This afternoon since y^e^ writeing of this I found y^e^ Register E (how or why it matters not); and by it I can now answer y^e^ Queries, with w^t^ will undeniably carry y^e^ point. The mark't wordes are transcribed out of it.

(*Johnston MS.*)

284.

1688, July 5-9. Admissions of Fellows.

Robert Jones, admitted V. S. 5 July.
Edward Bertwisal, admitted V. S. 5 July.

1688, July 9^no^. Admissi sunt in numerum Sociorum communi omnium consensu D. Joannes Ward: D. Andreas Gifford: D. Joannes Harding (Hawarden).

John Ward adm. 9 July.
Andrew Gifford[1] adm. 9 July.
John Harding or Hawarden admitted V. S. 9 July, 1688.

285.

1688, July 2. Letter from D^r^. Fairfax (to D^r^. Johnston?).

Maudlin Coll. y^e^ 9^th^ July 88.

Hon^d^ S^r^,

I have y^rs^ of y^e^ 7^th^ current; as to y^re^ desire of haveing King Edward y^e^ 6^the's^ Mandate transcribed, with y^e^ Kings answer to y^e^ fellowes letter,

[1] Andrew Gifford, brother to Bonaventure Gifford, was an eminent Professor of Divinity in the English College at Douay, and afterwards a Missioner in England. He had all the qualifications of a good ecclesiastic, but most especially esteemed for his humility in refusing a Mitre, when he was importuned to accept of it. He died in London in Sept. 1714.

(Dodd's *Church History*, vol. iii. p. 486.)

He was buried at the Cemetery of S^t^. Pancras. A monument with the following epitaph was placed over his remains:—Hic jacet eximius D.D. Andreas Giffard, antiquâ et nobili familiâ illustris, magno scientiæ fere universalis thesauro illustrior, virtutum omnium tum scientiâ, tum praxi, humilitatis præcipue et charitatis Deum erga et proximum illustrissimus, ac propter ea illustrissimi titulo judicio omnium etiam S.S. dignissimo [?] habebatur. Denique vivens commune bonum, moriens communis luctus extitit, similem quippe sui eheu! ubi reliquit? Obiit Sept. XXVIII. A.D. MDCCXIV. Requiescat in pace.

I must answer, I should have don all that in my last, if I could have found ȳ either in y^e^ Register, or any where else. As for y^e^ fellowes names they are not Subscribed in particular, onely this at y^e^ bothem of ye letter, by y^e^ *Vice-President and more part of y^e^ fellowes.* y^e^ V. Præsidents name is, as you may see in y^e^ letter to y^e^ B^p^. of Winchester, *Gulielmus Reding.*

2^r^. As to M^r^. V. Presidents tract, it is very full, and my endeavour has not been wanteing to perswade him to lett you have it. He is for London this weeke, and thence for France, and I am confident, if you can but speake with him, you will have it; and y^t^ you may speake with him, I will lett you know, where he lodges.

3^r^. As to D^r^. Bondes case; it is this:—uppon y^e^ death of D^r^. Humphrey's an election was made in favour of D^r^. B. Smith. D^r^. Bondes party was very violent, and p^r^vailed so farr, as to perswade y^e^ Court y^t^ election was invalide and null. This being carried, y^e^ Queen pretendes y^t^ y^e^ time for election bee lapsed, y^e^ putting in of a President belonged to her; and so putt in D^r^. Bond. in y^e^ Register G w^t^ I find is onely this. fol: 280

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5^o^. As to Brackley Coll:, our Statute runs thus. Sub *obtestatione divini judicij specialiter injung*[imus] monemus et insuper Statuimus, ut Capella nostri Coll'ij et aula, singulaq; *alia ædificia* Dei adjutore *nostris Sumptibus ædificata,* in *muris cooperturis et qua*libet *sui parte* perpetuis futuris temporibus per Dei gratiam, debitè, sufficienter, et congruè in *omnibus sustententur.* No other end can wee find *they* had to destroy it, but to putt mony into their pocketts, neither can wee find any [Vis]etors leave or app ... for it.

6^o^. As to D^r^. Coveny I onely find this in y^e^ register. y^t^ Robert Horn 26 July A^o^. Dñi 1561 sent to him orders to admonish y^e^ Coll: of a Visitation, w^ch^ he submissively complyed with. in w^ch^ Visitation Coveny was *deprived,* and Lawrence Humphrey chosen by 24 voices i:e: all y^n^ present in y^e^ Universitys .... himselfe being absent, as I guess, because his Voice is not recorded for any. this was don 13 of December y^e^ same Yeare 1561.

And thus I have answerd as fully as our Registers can informe me, and if more had come to my knowledge I would readyly have communicated it with you, and thought all my labour well spent to serve any one, who serves our good King. I am shortely for Yorkeshire, I think on Munday next; if you dy .... any thing more in my power lett me know by y^e^ next Post, or direct y^rs^ to me at my B^r^. Wat ... ton ... at Waltonhall, where 4 yeares agoe, you and I first came acquainted; I am

Hon^d^ S^r^, y^r^ very faithf^ll^ servant

Tho: Fairfax.

(*Johnston MS.*)

286.

1688, Aug. 8. Continuation of D^r^. Thomas Smith's Diary.

They expelled me on the 3^rd^ of August, of which notice being give me by one of the College servants, for they all thought fit to keep the

places except (Robert Gardiner) the under-Porter, who was expelled at the visitation, I went down to Oxford to remove my books and goods, taking a lodging in a private house. After three or four days' stay I returned to London, without taking any notice of any of the Popish Fellows.

(*Cobbett*, col. 76, 77.)

287.

1688, Aug. 4–10. Acts of the College.

1688, Aug. 4 Acceptis Literis praesentationis Magister C. Hawles a D. Jacobo Almond seneschallo nostro profectus est ad Episcopum Lichfildensem, ut admittatur ad vicariam dictam Willoughby, et admissus erat. *V. P. Reg.*

1688, Aug. 7. It was found convenient not only to deprive Dr. Thomas Smith, but also the following from their Fellowships, under the pretence of non-residence, viz. Francis Smith, Edward Maynard, John Hicks, Thomas Goodwin, Robert Holt, and Robert Thornton. They had however also refused to acknowledge the Bishop of Madaura as their lawful President. *V. P. Reg.*

1688, Aug. 10. Sistitur coram Vice-Præsidente, et Mr. Ward Bursario, Mr. Digby[1], Scholaris numeri minoris, et punitus est per subtractionem communarum per unum diem eo quod operto capite in præsentiâ Sociorum venerit in magnam aulam, et cum admonebatur minatus fuerit admonentem. *V. P. Reg.*

288.

1688, Aug. Charles Hawles and Slymbridge.

We find in the life of Bishop Frampton of Gloucester that an abortive attempt was made about this time to present Charles Hawles to the Rectory of Slymbridge.

'As the Bishop's principles of inviolable loyalty kept him steady to the Crown, so his undaunted courage made him despise the orders of the Ecclesiastical Commissioners. And good proof, though to his great hazard, he gave of it in the respect he shewed to Magdalen College, Oxford, whose Fellows being by them ejected (another project they which designed the ruin of their lawful sovereign drew him into) lay under the merciless decree of being incapacitated to get their bread as scholars, but yet notwithstanding this, when the Bishop of Bristol had presented one of them to the Vicarage of Saint Hurst[2] near Gloucester, he gave him institutions as well as to another preferred in his Diocese. And that he might save for as well as give to them, he refused to accept a presentation to the Living of Slymbridge in the diocese of Gloucester vacant

[1] He was probably a son or grandson of Sir John Digby, a zealous supporter of Charles I^st^, or he may have been a son of the Hon. John Digby, a younger son of the Earl of Bristol.

[2] Charles Penyston, Vicar of Sandhurst.

by the death of the late Incumbent, Dr. Diggle[1]. The circumstances were these. Upon the ejection of the Fellows of that College for refusing to elect a President contrary to their Statutes according to the King's Mandate, which as another step to his ruin his enemies drew from him, there were left in possession two of the duly elected Fellows, Mr. Ginever (Jenefar) and Mr. Charles Hollis (Hawles), both Priests of the Church of England, the latter of whom by the Intruders was sent to the Bishop to demand institution to the living of Slymbridge upon their presentation. With this he came to the Bishop at Standish, and upon his enquiry for him was told that he had walked out, and would soon return. While he stayed for him, he perused his Instruments, and desired a pen and ink, which was brought him, and upon his spreading one of the Papers before him, the Bishop's nephew asked him what he was going to do? to which he eagerly replied, 'what have you to do, to look over me?' to which the other as roughly answered, 'I suppose these writings are to be shewn to my Lord when he comes in, and they shall not be altered in his House. They are under Seal, and you cannot fairly add, or diminish, or alter them, nor can you do it without forgery.' With that Mr. Hollis grew very angry, and would have put up his Instruments, which the other supposing was with a design to alter them elsewhere, he told him that he should not put them up, nor remove them from the table, till my Lord had seen them.

Upon which they had a very warm contest, but Mr. Withers, being a resolute strong man, stood to his point; and during the contest the Bishop came in, and asked the occasion of the heat he found them in. Mr. Holles complained of the rudeness of the nephew, whom the Bishop told that he ought to be respectful to a Priest. The other told him the whole, and charged Mr. Holles either to deny or excuse the fact, but not being able to do either, he tendered his Presentation to Slymbridge, signed by one (James Almond), who was then made Steward of the College by the Intruders and had the Presentation pro hâc unicâ vice. Says the Bishop, Is Dr. Diggle dead? which Holles affirmed. 'Well,' adds he, 'that Living is in the Gift of Magdalen College, Oxford, and I shall expect a Presentation from them.' 'Why,' says Mr. Holles, 'I am one of the Fellows, and have the College Presentation.' 'Why,' says the Bishop, 'this which you put into my hands is signed by a private person, whereas it ought to be in the name of the President and Fellows, and sealed with your College Seal.' 'Why,' says Mr. Holles, 'this is in effect the same, the President and Fellows under our common Seal having delegated that Gentleman to present for this term,' and with that produced the Instrument, which was signed, *Bonaventura Episcopus Madaurensis*. 'Where,' says the Bishop, 'is this Madaura?' Which Mr. Holles could not tell, only that the Gentleman so subscribing was made President by the King. In short the Bishop told him the Law allowed him eight and twenty days, and he would insist upon it. Mr. Holles then desired to know if his Lordship would give him institution when they were expired. To which the Bishop replied that he would then do as Law and Justice obliged him, and after dinner dismissed Mr. Holles with little satisfaction, and, that he might keep out of the lash, sent the cause

[1] Dr. Edmund Diggle, Rector of Slymbridge, died Aug. 1, 1688.

to some of the greatest lawyers for their advice, but before their opinion came to him, he fell upon an expedient himself which at least would gain him more time, which was this. He observed that Mr. Holles' Presentation bare date one day before the Delegation, and consequently, had it been the Act of the true President and Fellows, it could not be valid. This he kept in mind, and when Mr. Holles came again he refused him Institution. And before they could come to try it at law, the King was graciously pleased to follow his own inclinations, (too late seeing the snare laid for him by his evil counsellors) and restored the President and Fellows to their right. On whose presentation he gave institution to a very worthy Fellow of that College, Dr. Thomas Bayley[1], who held it till he was deprived by the Revolution, as a non-juror to the new-erected Governors. (*Life*, pp. 154–158.)

1688, Sept. A minister lately dying in the Diocese of Gloucester, his Living is the Gift of Magdalen College. Dr. Hough, and some of the expelled Fellows, met and presented a Dr. Bailey[1], one that was expelled, and he hath applied to the Bishop of Gloucester for institution and induction, and it is thought that he will have it.

(Luttrell's *Brief Historical Relation.*)

289.

1688, Oct. 3. Continuation of Dr. Thomas Smith's Diary.

The Archbishop of Canterbury with several others of the Bishops addressed the King, and laid before him several heads and articles of advice, among which part of the third was, that his Majesty would be graciously pleased to restore the President and Fellows of Saint Mary Magdalen College in Oxford.

(*Cobbett*, col. 77.)

290.

Summary of the treatment received by the Fellows under James II.

Dr. Aldworth, Vicepr. Exp.	Mr. Strickland, Exp.
Dr. Fairfax, Exp.	Mr. Hr. Smith, Absent.
Dr. Pudsey, Exp.	Mr. Maynard, Absent.
Dr. Younger, Absent.	Mr. Dobson, Exp.
Dr. Jo. Smith, Exp.	Mr. Bayley, Exp.
Dr. Th. Smith, Submit.	Mr. Dauies, Exp.
Dr. Bayley, Exp.	Mr. Bagshaw, Exp.
Dr. Stafford, Exp.	Mr. Hicks, Absent.
Mr. Hawles, Absent.	Mr. Thompson, Submit.
Mr. Almont, Exp.	Mr. Fayrer, Exp.
Mr. Hamond, Exp.	Mr. Harwar, Exp.
Mr. Rogers, Exp.	Mr. Bateman, Exp.

[1] Dr. Bailey was not formally presented to Slymbridge till 5 Nov. 1688. See *Demies' Register*, vol. ii. p. 247.

Mr. Hunt, Exp.	Mr. Charnock, Submit.
Mr. Cradock, Exp.	Mr. Weelks, Exp.
Mr. Jo. Gilman, Exp.	Mr. Hooper, Mad.
Mr. Fulham, Exp.	Mr. Ludford, (dead).
Mr. Peningston, Exp.	Dr. Hough, presidt. Exp.
Mr. Goodwyn, Absent.	Of ye number 26 expell'd.
Mr. Hyde, Exp.	Absent 8.
Mr. Yerbury, Exp.	Submit 3.
Mr. Holt, Absent.	Mad 1.
Mr. Thornton, Absent.	Dead 1.
Mr. Holden, Exp.	Mr. Presidts place make up 40.

Nouember ye 16th, 1687, Mr. Joyner was admitted fellow by ye Comissrs by vertue of the Ks letters in ye place of dr. Hen. Fairfax; And Mr. Alibone in ye place of Mr. Ludford (deceas'd). After 25 more of ye fellows were expell'd, Sam. Jenefar Mr. of Arts & Th. Higgins Vndergrad (demyes) were admitted Act: fellows into 2 of ye fellowsps made uoyd by ye Comissrs. At ye same time two demyes, viz. Whales & Hill, were admitted in ye places of Jenefar & Higgins by ye Bp of Chester, & have since withdrawn themselves.

Quære wt ye Demyes said at the last sitting of ye Comissrs.

(*Braybrooke MS.*)

291.

1688, Oct. 5. Suppression of the Ecclesiastical Commission.

At the Court at Whitehall,
5th of October, 1688.

His Majesty was this day graciously pleased to declare in Councill, that in pursuance of his Resolution and Intentions to protect ye Church of England, and that all Suspicions and Jealousys to ye contrary may be removed, he had thought fit to dissolve the Comission for Causes Ecclesiastical &c. and accordingly did give directions to the Rt Honble the Lord Chancellor of England to cause the same to be forthwith done.

(*V. P. Reg.*)

'The King put forth a proclamation in which he solemnly promised to protect the Church of England, and to maintain the Act of Uniformity. He declared himself willing to make great sacrifices for the sake of concord.'

(Macaulay's *History of England.*)

292.

1688, Oct. 11. Restoration of the President and Fellows.

The King ordered Lord Sunderland to write to the Bishop of W[illegible]chester, which he did on this day, that having declared his resolution to preserve the Church of England, and all its rights and immunities, is Majesty as an evidence of it, commanded him to signify to his Lords [illegible]p

his Royal will and Pleasure, that as Visitor of St. Mary Magdalen College in Oxford he should settle that Society regularly and statutably[1].

293.

1688, Oct. 11. Letter from Clarges to Dr. Aldworth.

Sr

I suppose you may haue heard that my lord Archbishop of Canterbury, and the Bishops of Ely, Bath & Wells, Gloucester, Peterborough, and Rochester have often lately attended his Matie on publick affaires, and his Majesty has been pleased to doe many acts of grace at their instances, and amongst others, Magdalen College is to be restored to its former state—And my lord Bishop of Winchester is to visitt it the next week in order to a setlement thereof. And his Lordship was yesterday with me, and acquainted me therewith, and intreated me to send to as many of the fellowes and demy's as I knew or could heare of to apoint them to repaire to Oxford about this day seuen night at the farthest, and you will there meet the President, and Doctor Fairfax, and many others of your friends, to receiue the honor and reward of your vertues and patience, and I intreate you to let me haue the favour of a few lines from you that I may know that this aduertisement is come to your hands from

Sr, Yr most affectionate servant

Tho. Clarges.

(*Endorsed*:—)To my worthy friend Doctr. Aldworth at Mr. Aldworth's house at Stanlake in Berkshire. Leaue this at the signe of the bell in Twiford neere Reading.

(*Braybrooke MS.*)

294.

1688, Oct. 12. Continuation of Dr. Thomas Smith's Diary.

The King sent for the Bishop of Winchester, Visitor of our College, and ordered him to settle the Society regularly and statutably. This the Bishop upon my meeting with him acquainted me with, and ordered me to meet him at Whitehall next morning, which I did accordingly, just coming with some other Bishops from the King. He took me down with him from the room adjoining to the fine chamber, to my Lord Sunderland's office, hoping to have had the warrant under the King's hand and seal ready. After about an hour's attendance Mr. Bridgman came to the office, and told him that he should certainly have it in the afternoon. The Bishop then desired me to go with him to the Cockpit, where he was going to wait upon the Princess Anne, telling me by the way that he would not stir from the Court till he had obtained the warrant.

[1] *London Gazette*, Oct. 15, 1668. The Nuncio though generally an enemy to violent courses, seems to have opposed the restoration of Hough, probably from regard for the interests of Giffard, and the other Roman Catholics who were quartered in Magdalen College. Leyburn declared himself 'of opinion that it had been a spoliation, and that the possession, in which the Roman Catholics now found themselves, was one of violence and illegal. Therefore it was not a case of depriving these (the R. C.'s) of an acquired right, but of restoring to others that which had been taken by violence.'

Upon his going into the Princess's Chamber he bid me come to him at his Lodgings in Old Palace yard at five o'clock in the afternoon, and bring Dr. Younger along with me. We both came, and he shewed me the King's order, which was very full, of which I thought it no way becoming to desire to give me leave to take a copy. I asked him when his Lordship would restore us; he said that he could not pitch at that time upon a certain day;—that he would make haste to Farnham, and that we should hear thence, but advising me that I should go down in the mean time to secure the College Plate, Gold in the Tower, the Registers and the like, lest they might be embezzled and taken away. I told him that in the circumstances I was then, being actually dispossessed of my Fellowship, I could not act but under his Lordship's authority ratified by his Episcopal Seal, besides that upon leaving the College I had made a vow to God that I would not enter in again, but when I was restored. 'Why,' says he, 'this is in order to your Restoration,' so the discourse fell, and he went soon after (I think the next day, for I did not see him afterwards) to Farnham.

(*Cobbett*, col. 77.)

295.

1688, Oct. 16. Delay in the Restoration.

1688, Oct. 16. A note reached the Archbishop (Sancroft) at an early hour on the morning of tuesday, Oct. 16th, acquainting him that if his health permitted his Majesty desired to speak with him that very morning. The Archbishop waited on the King at the time appointed. His Majesty began the conversation by referring to the Restoration of Magdalen College, saying that the Bishop of Winchester mistook his meaning, and that he never meant to delay the visitation.

(D'Oyley's *Life of Sancroft*, p. 213.)

(See also Tanner's MSS. v. 28, No. 146, 154, 155, &c.)

296.

1688, Oct. 16. Continuation of Dr. Thomas Smith's Diary.

A Citation was set up on the Chapel-gate, Oct. 16, warning the President, Fellows, and all persons concerned, to meet the Visitor there on the second of November following, by which time the Popish Fellows were ordered to be gone, which was a strain of the Bishop's civility to them. My Lord of Canterbury and several others of great quality hearing of this delay, signified their just displeasure at it, of which the Bishop being sensible he hastened to Oxford on Saturday, the 20th of October, anticipating the time prescribed by him in his Instrument almost a fortnight, upon the security of which I stayed in London. He was extremely blamed for deferring it, and might, if he had pleased, at first have gone directly to Oxford, where a great many of the Fellows, upon the news of the designed Restoration, were come already, and the King knew nothing but that he had before this time obeyed his orders and restored the College. But thus it happened. The King, designing

to have on Monday, the 22d of October, a great assembly of the Lord-Bishops and Personages of great quality, dignity, and office, to satisfy them, and by them the whole Nation, about the legitimacy of his son, the Prince of Wales, and to obviate and confound the villainous and diabolical slander, which was most maliciously spread abroad among the people by his implacable enemies, who were then designing his overthrow and deposition, that it was a supposititious child, amongst others took a particular care that the Bishop of Winchester, of whose loyalty at that time his Majesty had a very good opinion, should be sent for to be present, and an Express was sent to him accordingly to Farnham, but he being gone thence to Oxford, the Express went after him, and delivered him the King's Letter for his appearance in the Council Chamber on Monday[1]. He, not knowing the meaning and reason of the King's order, delivered to him on Saturday night, was resolved to be gone the next morning for London, without restoring the College. The Fellows hearing of his intended sudden departure, went to St. John's College, where his Lordship lodged, and importuned him to restore them that morning, that the whole might be done in an hour or two's time, and upon his refusing to comply with their earnest request, they used very rude expressions and behaviour toward him, which put my Lord into a very grievous passion, and he made his coachman drive away, as some of the Fellows told me.

(*Cobbett*, col. 27, 28.)

297.

1688, Oct. 21. Letter from the Hon. Leopold William Finch, Warden of All Souls.

'He, Mr. G. Clark, shewed me too, (Mr. Finch, Warden of All Souls)'s Letter to him of the twenty first of October, 1688, giving an account of a Messenger coming to Bishop Mews, at nine the night before, when the Bishop was in bed, with an order from Sunderland to the Bishop to be at the Council on the twenty second at ten in the morning, upon which the Bishop set out on the twenty first, without restoring the Fellows of Magdalen College, though he was come down on purpose for it. No cause was mentioned in the order, but it was a general one to all the Council to be present at the enrolling the depositions of the Birth of the Prince of Wales. The messenger had gone to Farnham and thence followed the Bishop to Oxford. The King, when he saw the Bishop in London, asked him if he had restored the Fellows, and, finding that he had not, was very angry and sent him down to do it on the twenty fifth. The Prince of Orange's Fleet was driven back by a storm on the twenty first. So King James could have no notice of it to recall, as is pretended, the order he had given Bishop Mews to restore the Fellows. T. Carte.' (*Carte's Original Papers*, vol. i. p. 272.)

[1] The following is probably a copy of the Circular Letter which Sunderland wrote to the Bishops at this time:—

'The Earl of Sunderland to the Archbishop of Canterbury, Whitehall, Oct. 20, 1688.

'My Lord, the King commands me to acquaint your Grace, that he desires you, and such others of my Lords, the Bishops, as are in Town, should attend him upon Monday next, at ten in the evening [?] I am, &c.

Sunderland, P.'

298.

1688, Oct. 22. Continuation of Dr. Thomas Smith's Diary.

On Monday (Oct. 22) about one o'clock in the afternoon, I spoke to him (Bishop Mews) in the Gallery at Whitehall, and asked his Lordship when he would return to Oxford; he said on Wednesday. That afternoon I hired a couple of horses and a man, and went to Beaconsfield that night, and the next day (Oct. 23) to Oxford. The Bishop got thither on Wednesday the 24th, and restored the College the next day in the morning, being the 25th.

(*Cobbett*, col. 78.)

299.

1688, Oct.-Nov. Letter from Tramallier. (*See* No. 201.)

'Jesus College,
Nov. 1, 1688.

'It is now about a twelve-month, that I writ to my Lord an account of the Visitation at Magdalen College, and the Ejection of that Society; I suppose his Lordship will not be displeased to hear of their Restauration, and therefore if you thinck it fitt, I shall desire you to read this to him. On Saturday last was sennight the Bishop of Winchester, as being Visitor of the College, in pursuance of an Order from the King forthwith to resettle the Society of Magdalen College, came hither; he was attended into the Town by above three hundred persons on horseback, most of them Scholars, and six or seven coaches, full of Noblemen and Doctors. The Solemnity was to be performed [the day] following; but to our great amazement his Lop. was gone on Sunday morning; it seems there came a Messenger from Court to summon him to the Council, to be present at the business of the Prince of Wales, as it appeared afterwards. But on the Wednesday in that week he came again; and the day following after Morning-Prayer in the Chapel, and a speech made to him by one of the Doctors of the House, producing the King's letter he compleated the Resettlement. Things were putt in statu quo; only Mr. Charnock was left out. And thus by the Providence of God, and upon a revolution of affairs, that honest and stout Society, which was designed to be the praeludium of further attempts, was restaur'd within the compass of about a year to its full Rights and proprety; having first seen that illegal anti-Church-of-England Court, by which they had suffer'd, fully dissolv'd. The Bishop went for London, being to attend his Majesty to the Field. Mr. Walker, it is sayd, is going to resigne up his Headship of University; his Disciple, we hope, will follow his steps herein likewise at Christ Church.'

300.

1688, Oct. Account of the Restoration.

On Tuesday the 16th of October was fixed upon the College ga s and Chapel-doors a Citation from the Bishop of Winchester in La n (and not injudiciously, for the mother-tongue would have been fitter r babes than scholars) to re-call Dr. Hough, the former Fellows, Dem s

etc. by the Second of November following, which Citation was guarded by Robert Gardner, late Porter, who, as he first left the College, was the first who returned to it. But this Citation according together with the Bishop's mind, being altered according to a second information, he, their Restorer, as well as Visitor, was sooner received, viz. on Saturday, October the 20th (no doubt for his Master's sake) more like the King than his Representative, which gave so great satisfaction to the people that their joy ran over, the music of the bells being outdone by hums and huzzas. Thus being attended by more than three hundred gentlemen on horseback and in several coaches, as also by an innumerable company of spectators on foot from Magdalen College to his Lodgings at St. John's, he received his first general salute.

But this sunshine was soon eclipsed, for the next morning by seven of the clock he was remanded by an Express to wait upon, and pay a visit to, his Majesty. This was very pleasing to some Roman Catholics, who, what they wished easily believed, viz. that the King had recalled the Commission as well as the Commissioner.

(*Cobbett*, col. 109, 110.)

301.

1688, Oct. Continuation of Dr. Thomas Smith's Diary.

In the Pamphlets, which were soon after published, giving an account of the Revolution, and in order to the justification of the wickedness and villainy of it, this accidental delay of our being restored, which is wholly to be imputed to the Bishop of Winchester, is horribly misrepresented, particularly by Mr. Bohun, and afterwards by Mr. Tirryl, and by the whole litter of envenomed lying scribblers, upon this idle, absurd, and forged pretence, that in the Post just before the Bishop was sent for back there came news 'that the Dutch had on the 16th of the said month suffered much in a storm, and that they would not be able to sail until the Spring, and that therefore the Bishop of Winchester was commanded to desist, and the order given to him for restoring the College was revoked,' which was a horrible lie, the King knowing nothing all the while but that the College had been restored before he sent for the Bishop to be present in that august assembly, which was the only reason he was sent to, and not in the least to hinder or defeat the restoration of the College, as those villainous writers have most falsely and wickedly asserted.

(*Cobbett*, col. 78, 79.)

302.

1688, Oct. The Delay in the Restoration.

(On the subject of the Restoration of Magdalen College Kennet has the following passages.)

'It soon appeared how little the Nation was to depend upon these hasty and forced concessions of the King. On Oct. 16, the Bishop of Winchester caused a Citation to be fixed on the gate of Magdalen College to recall Dr. Hough and the former Fellows of that Society by the Second of November following, but an account coming that very post

that the Dutch Fleet had suffered very much in a storm, and that they would hardly be able to put to sea again till the Spring, the Bishop upon a frivolous pretence was recalled to London, and the Restoration of the College deferred. Yet soon after, that news being contradicted, and the Dutch Fleet reported to be in a sailing posture, the affection to the Church of England revived, and so the business of the College was effected on the 25th of that month. This passage is the more remarkable because it lost King James many friends, and lessened him in his character and interest, as if his politics were to change with the wind, and as news varied he was playing fast and loose with his subjects.

'One of the now Fellows of Magdalen College[1] becoming afterwards Rector of Slymbridge in the County of Gloucester, published a sermon on St. Barnabas Day in 1713, in the preface whereunto he tells us:—"I happened to be Fellow of Magdalen College,—when their blind and greedy zeal began with some of the Heads of the University, and a Society thereof.—All the rest must soon have taken their turn likewise out of their freeholds, had there not been a Protestant wind. Thereby hangs a tale, which hath not been told publicly, that I know of; and I think it not unseasonable to tell it now, that we may thence learn how to trust Popery another time. When the Prince of Orange, our late Sovereign of glorious memory, was almost ready to embark, a kind of general intimation was despatched after us to return from the several counties whither we were sent a grazing:—But when some of us were come back within four or five hours of the University, a certain notice was sent us on the road, that we need not make much haste, for that the wind was changed at Court. But when after some few days, it was feared again that the Prince would shortly arrive, we might go forward, and the Bishop of Winchester (the local Visitor) was sent down to reinstate us in our College: But his Lordship had scarcely refreshed himself, before a Courier came, and beat up his quarters, and required his return to Court, without restoring us to our own again. Though it was done at last, when there was a Protestant, or rather Providential, wind again."' (*Cobbett*, col. 112.)

Hume admits that 'an Intelligence arrived of a great disaster which had befallen the Dutch Fleet—it is commonly believed that the King recalled for some time the concessions which he had made to Magdalen College.' (*Cobbett*, col. 108.)

In order to prove that King James did not upon the disaster which befel the Prince of Orange's Fleet upon its first sailing, design to retract his concessions respecting Magdalen College, McPherson has inserted in his 'Original Papers' some passages from the MSS. of Dr. Smith, and he subjoins to these the following Articles:—

A Letter from the Bishop of Winchester, Visitor of Magdalen College, throws further light on a subject, for which James has been without cause much blamed. But though that Prince was guilty of an act of folly in depriving the Fellows, he appears to have known nothing in the delay of their being restored.

[1] William Cradock. See *Register of Demies*, vol. iii. p. 12.

The Bishop of Winchester to the Archbishop of Canterbury.

May it please your Grace. I intend tomorrow to set forward for Oxford, and ordered several of the Fellows to meet me there on Tuesday and Thursday at the farthest, though I have not seen or heard of the President. But about two of the Clock I received the enclosed order, which stops my journey for the present; and I shall accordingly issue forth my Citation. All people's mouths are now full of praises for our Order, to whom they say they shall ever owe the preservation of our Religion. I beg the favour of your Grace's commands, which shall always be obeyed by your Grace's obedient Son and Servant,

P. WINCHESTER.

Farnham Castle, Oct. 14, 1688.

The delay in restoring the Fellows has been invariably brought as an irrefragable proof of James's design of retracting his concessions upon hearing that the Prince of Orange had been brought back by a storm. This storm certainly happened not till a day or two after Sunderland wrote the official letter, which brought the Bishop of Winchester so precipitately to London. Though the folly of James merits no favour, his misfortunes ought to command justice.

(*Cobbett*, col. 106, 167.)

Burnet states, 'an order was sent to the Bishop of Winchester to put the President of Magdalen College again in possession, yet that order not being executed when the news was brought that the Prince and his fleet were blown back, it was countermanded, which plainly shewed what it was that drove the Court into so much compliance, and how long it was like to last[1].'

(*History of the Reign of James II.*)

[1] DR. ROUTH'S NOTE TO THE ABOVE.

'The Bishop of Winchester assured me otherwise. S. Even Hume in his History, in the reign of James II[d] speaks of the common belief that, "as intelligence arrived of a great disaster having befallen the Dutch Fleet, the King recalled for some time the concessions, which he had ordered to be made to Magdalen College." See also Hargrave's *State Trials*, vol. iv. p. 282. But the extracts from the papers of D[r]. Thomas Smith, and a Letter written by D[r]. Finch, Warden of All Souls College, attested by Carte, in Macpherson's *Original Papers*, vol. i. p. 273, and now preserved in Worcester College Library, proves that the Bishop of Winchester, who had arrived in Oxford for the purpose of restoring the College, was recalled *on the* 20[th] *of October*, by an Order from Lord Sunderland to attend the Privy Council on the 22[d], when the Depositions concerning the Birth of the Prince of Wales were taken, and ordered to be enrolled. But the Prince of Orange's Fleet was driven back by a storm on the 21[st], which commenced the night of the 20[th], as appears from Bishop Burnet's account of it, and from various other documents. The King is said to have been before this time much displeased at finding that his directions to reinstate the Society had not been executed, and to have sent the Bishop, who appears to have been previously very slow in his motions, to Oxford for the purpose. The College was restored by him on the 25[th], exactly a year after the President had been ejected. Consult Macpherson's *History of Great Britain*, vol. i. p. 518. Ralph indeed at p. 1023 of his *History* assigns as the reason of his delay in restoring the College, the news, which arrived not of these, but of the former contrary winds and tempestuous weather mentioned by the Bishop. Now it appears that the news of this bad weather happening to Admiral Herbert's fleet, together with the Order made on the 12[th] for resettling the College, are inserted in the same *Gazette*, October 15, and the Bishop of Winchester went to Oxford for the purpose of executing it.' (Routh's Edition of *Burnet's Hist. of King James II*, 1852.)

303.

1688, Oct. 24–25. Account of the Restoration.

On Wednesday, Oct. 24, we were well satisfied that the King had more kindness for our Church, than to answer the expectations of certain Roman Catholics, on which day the Visitor, having before paid his obedience to the King, privately surprised, and condescended again to visit us.

On Thursday the 25th of October, about ten in the morning he made his first visit to Magdalen College, the President, Fellows, Demies etc. attending upon and answering him in their formalities. At his entrance into the Choir, having heard an excellent congratulatory speech from Dr. Bailey, he performed Divine Service; so, devoting himself first to God, he proceeded to execute his office as Visitor, the prologue to which was in short to this effect:—

'That since his Majesty of his gracious clemency was pleased to commission me to restore you, the former proprietors of this Foundation, in obedience to this command I am come to reinstate you accordingly, resolving to do it legally and statutably.'

From the Chapel they adjourned to the Hall, where his Lordship, not without great applause, made an incomparable speech, a very seasonable piece of advice, consisting chiefly of loyalty and unity, by which he merited as great a trophy for his learning, as he did before for his courage.

Then calling for the College Statute Book, the Statute for Visitation was read; after which calling for the Buttery-book, and tearing out the last week's names of the Roman Catholic Fellows etc., he gave orders to re-inscribe all the old ones except Mr. Charnock and two Demies[1] who had been preferred since to other Fellowships. Then calling them over in order his Lordship published and declared Dr. Hough to be the Head or President, and the rest the true legal and statutable Members of the Foundation, and none others; for which good service Dr. Hough, one who might plead the best desert as well as propriety to this Presidentship, on behalf of the rest, returned his Lordship a handsome compliment in a short but pithy speech.

From hence his Lordship was conducted to the President's Lodgings, where was provided a splendid entertainment, Dr. Hough thereby showing as great respect to the King's Commissioner as he could have done to himself.

In the evening the bells expressed the people's satisfaction. Bonfires in the Town added great pomp to this Celebration.

Having now bid farewell to Magdalen College his Lordship was on Friday and Saturday at Corpus Christi, New College, and Trinity, who paid their respects to him in three splendid entertainments. On Sunday he was entertained with two University Sermons, a repast for his soul, as the others for his body. The next morning he departed homewards having received ample testimony of the University's loyalty and generosity.

(*Cobbett*, col. 110, 111.

[1] William Sherwin, elected Fellow of Merton 14 June, 1688; Henry Levett, elected Fellow of Exeter College 30 June, 1688.

304.

1688, Oct. 27. Letter from Dr. Thomas Smith to Sir William Haward.

. . . . The Bishop of Winton came hither on Wednesday afternoon, and just lighted at the College Gate, where we were all to receive him, and went directly to the chapel, telling us in brief that the next morning he would come down and restore us.

On Thursday morning (Oct. 25th) between nine and ten, we received him, being in his Episcopal habit, according to his appointment, in our formalities at the College Gate, and so attending upon him to the Chapel, one of the senior Fellows harangued him in a Latin Speech. After which he read the King's Order directed to him, to restore the College, which, after the finishing of the morning Service, which was performed very solemnly, he read a second time, and then proceeded to the Hall, where, after some little pause, he called for the Buttery Book, and struck out the names of all the Papist Fellows and Demies, Charnock not excepted, and then called over our names, which he commanded to be inserted in the next blank page, whom he pronounced to be the only true and lawful members of the Society. One Mr. Jenefar and Mr. Higgons, formerly Demies, and made Fellows by the Commissioners, are continued only as Demies, in which the Visitor did very prudently, though some of our Sparks and Hotspurs were troubled at it. This done, the Bishop made a Latin Speech, every way becoming his function and character, which some hare-brained Fellows have forgotten already, and so he adjourned the Visitation till the next morning.

There was an extraordinary great dinner prepared for him in the Lodgings, where was the Vice-Chancellor, with all the noblemen resident in the University, with several Heads of Houses, the bells ringing all day, and at night great numbers of bonfires, the like to which I never saw here before at any time.

Yesterday morning (Oct. 26) little was done but the reading the King's Letter to the Visitor to allow fourteen days for the removal of such as came into our places; about seven of which Fellows and Demies continue either in the College or Town, and to whom we have ordered, by the Visitor's direction, two dishes of meat every day during their stay by way of a present.

This morning (Oct. 27) we had again the Visitor, who caused an act or instrument of the whole proceedure to be read by his Secretary, who is a Public Notary, which is to be engrossed; and then dissolved the Visitation.

I say only in short that never was Visitor received with greater joy or with greater honour. I am convinced already by some men's intolerable insolence that there will be a very ill use made of this surprising revolution. I write this in my chamber here in the College, intending, God willing, to be in it this night, having procured a bed &c.

(*Aubrey's Letters written by Eminent Persons*, vol. i. pp. 48–50.)

305.

1688, Oct. 25. Negotium Visitationis Collegii B. M. Magdalenæ.

Die Jovis, vicesimo quinto die mensis Octobris, anno Domini milesimo sexcentesimo Octogesimo Octavo, inter horas decimam et primam ejusdem diei, in capellâ infra Collegium Beatæ Mariæ Magdalenæ in Universitate Oxon: coram Reverendo admodum in Christo Patre ac Domino Dno Petro, permissione Divina Winton: Episcopó, Visitatore vero et legitimo, ad inchoandam et exercendam visitationem suam infra dictum Collegium in præsentiâ mei, Patricii Roberts, Notarii Publici:

Quibus diei horis et loco, dictus Reverendus Pater, in Capellâ dicti Collegii, exhibuit quasdam Literas ex Mandato Regio sibi directas, quarum Literarum tenor sequitur et est talis:—

The superscription, 'To the Right Reverend Father in God Peter, Lord Bishop of Winchester.'

Whitehall, 11th October, 1688.

My Lord,

The King having declared his resolution to preserve the Church of England and all its Rights and Immunities, his Majesty, as an evidence of it, commands me to signify to your Lordship, his Royal will and pleasure that as Visitor of St. Mary Magdalen College in Oxford, you settle that College regularly and statutably.

I am, my Lord, your Lordship's most faithful and most humble Servant,

Sunderland P.

Quas Literas publicè altaque voce legit; tunc dictus Reverendus Pater prorogavit et continuavit visitationem suam (immediatè scilicet post sacra Divinorum solemnia peracta) in Aulam publicam dicti Collegii, et monuit omnes et singulos, viz. Præsidentem, Vice-Præsidentem, Socios, Scholares, Presbyteros in Capellâ ministrantes, clericos, servientos, omniaque alia ejusdem Collegii membra, ut tunc et ibidem interessent. Quibus sic in aulâ congregatis, dictus Reverendus Pater Statutum de Visitatione dicti Collegii, in præsentiâ dicti Præsidentis aliorumque Sociorum, Scholiarum etc. comparentium, a me, Notario Publico, publicè perlegi fecit. Quo facto dictus Dominus Episcopus mandavit libros quosdam, quos vocant 'The Buttery Books,' sibi adduci; quibus inspectis, et quam plurimarum personarum nomina in illis inscribi compertos, contra statuta, ordinationes, et laudabiles constitutiones, dicti Collegii, omnium et singulorum eorum nomina cruce notari et penitus expungi (virtute Regiæ auctoritatis et propria sua potestate visitatoriâ), ex libris prædictis mandavit et fecit, eosque omnes a dicto Collegio in perpetuum amoveri decrevit, necnon omnium et singulorum dicti Collegii membrorum, Præsidentis scilicet, Vice-Præsidentis, Sociorum, Scholarium, Presbyteroru , Clericorum, Servientium, et quorumcunque aliorum membrorum nomi ad dictum Collegium secundum statuta, ordinationes, et laudabiles cc stitutiones pertinentium, in dictis libris, vocatis 'The Buttery Book ' inseri et inscribi jussit et fecit, ut sequitur; viz.

Dr. John Hough, *President*,

Fellows.

Dr. Charles Aldworth, V. P.
Dr. Henry Fairfax.
Dr. Alexander Pudsey.
Dr. John Younger.
Dr. John Smith.
Dr. Thomas Smith.
Dr. Thomas Baylie.
Dr. Thomas Stafford.
Mr. Charles Hawles.
Mr. Robert Almont.
Mr. Mainwaring Hamond.
Mr. John Rogers.
Mr. Richard Strickland.
Mr.
Mr. Francis Smith.
Mr. Edward Maynard.
Mr. Henry Dobson.
Mr. James Baylie.
Mr. John Davis.
Mr. Francis Bagshaw.
Mr. John Hickes.
Mr. Jasper Thompson.
Mr. James Fayrer.
Mr. Joseph Harwar.
Mr. Thomas Bateman.
Mr. George Hunt.
Mr. William Cradock.
Mr. John Gilman.
Mr. George Fulham.
Mr. Charles Peniston.
Mr. Thomas Goodwin.
Mr. Robert Hyde.
Mr. Edward Yerbury.
Mr. Robert Holt.
Mr. Robert Thornton.
Mr. Henry Holden.
Mr. Stephen Weelks.

Demies.

Mr. Thomas Holt.
Mr. Samuel Cripps.
Mr. Samuel Jenefar.
Mr. Richard Adams.
Mr. Robert Standard.
Mr. Richard Vesey.
Mr. Charles Goring.
Mr. John Brabourne.
Mr. George Stonehouse.
Mr. Lawrence Hyde.
Mr. George Woodward.
Sir Richard Watkins.
Sir Daniel Stacey.
Sir John Kenton.
Sir Maximilian Bush.
Sir Bernard Gardiner.
Sir Charles Allen.
Sir Charles Livesey.
Thomas Higgons
Theodore Wells.
Benjamin Maunder.
William Bayley.
Samuel Adams.
Harrington Bagshaw.

Chaplains.

Mr. Thomas Maunder.
Mr. Henry Holyoake.
Mr. Thomas Browne.
Mr. Francis Hazlewood.

Schoolmaster.

Mr. Thomas Collins.

Steward.

Mr. James Almont.

Usher.

Mr. Richard Wright.

Organist.

Mr. Francis Piggott.

Clerks.

Stephen Nicholls.
Charles Morgan.
John Smyth.
Matthew Lidford.
William Harris.
John Basset.
Thomas Ryaley.
Thomas Williams.

Choristers.

Samuel Broadhurst.	Edward Clerk.
Thomas Yalden.	Prince.
Charles Wooton.	William Innis.
Richard Boss.	Robert Wordsworth.
Thomas Price.	Miles Stanton.
John Bowyer.	John James.
Thomas Turner.	John Stubbs.
John Shuttleworth.	Richard Wood.

Servants.

Richard Kilby, Butler.	Robert Gardner, Under Porter.
Richard Painter, Mid. Cook.	Edward Beasley Under Cook.
John Prince, Brewer.	Daniel Yeate, Cook.
Dye, Groom.	

Quos omnes et singulos, Præsidentem scilicet, Vice-Præsidentem, Socios, Scholares, Clericos in Capellâ Servientes, cæterosque in Collegio prædicto ministrantes, in eodem modo et forma prout superius scribuntur dictus Reverendus Pater sola vera et legitima membra ejusdem Collegii Beatæ Mariæ Magdalenæ in Oxon: secundum statuta, ordinationes, et laudabiles constitutiones ejusdem, ad omnem et quemcunque Juris et Statutorum Fundatoris effectum, pronunciavit, decrevit, et declaravit, super omnibus quibus requisivit me, Notarium Publicum, ad conficiendum hunc publicum instrumentum. Ita testor, Pat. Roberts, N. P.

Memorandum. His Lordship having received a Letter from the Right Honourable the Earl of Sunderland, one of his Majesty's principal Secretaries of State, by his Majesty's command, as followeth, viz.

Whitehall, 13th October, 1688.

My Lord,

The King commands me to signify to your Lordship that he thinks it reasonable that a fortnight's time should be allowed to the Gentlemen, now of St. Mary Magdalen College in Oxford, to remove in; and his Majesty would have your Lordship give order therein accordingly in your Visitation.

I am, my Lord, your Lordship's most faithful and most humble Servant,

Sunderland P.

Lord Bishop of Winchester.

His Lordship accordingly communicated the said Letter to the President and Fellows, who most readily and willingly obeyed his Majesty's commands, and allowed fifteen days' time to the Gentlemen mentioned in his Lordship's Letter to remove in, together with all suitable provisions during their stay for so long a time. (*V. P. Reg.*)

Visitationis Impensæ ex Libro Computi, A.D. 1688.

Solut. Musicis in Aulâ ad diem Restaurationis Magdalenensium in Visitatione Dni Episcopi Winton:	£2 0
Solut. pulsantibus campanas bis diebus Adventûs Episcopi Winton: die restaurationis Magdalenensium, et in Festo Proditionis die quinto Nov:	£2 0

Solut. pulsantibus campanas die Oct. 25to in Templo B. Mariae £0 10 0
Solut. Episcopo Wintoniensi pro suâ Visitatione £5 0 0

306.

List of names on the Buttery Book 20 Oct. 1688, Crossed by the Visitor Oct. 25.

× Mr. Præses, Bonaventure Gifford.
× Mr. Vice-Præses, George Plowden.
Dr. John Younger.
Mr. Charles Hawles.
× Mr. William Joyner.
Mr. Jasper Thompson.
× Mr. Samuel Jenefar.
× Mr. Robert Charnock.
× Mr. Job Allibon.
× Mr. Thomas Higgons.
× Dr. Richard Compton.
× Mr. Thomas Fairfax.
Mr. Philip Lewis.
Mr. Alexander Cotton.
Mr. Thomas Gilford.
Mr. John Dryden.
Mr. Lawrence Wood.
Mr. John Rosse.
Mr. Ambrose Belson.
Mr. John Christmas.
Mr. Robert Chettleborrow.
Mr. Thomas Constable.
Mr. James Clerke.
Mr. John Denham.
Mr. John Woolhouse.
Mr. Stephen Galloway.
Mr. Francis Hungate.
Mr. Richard Short.
Mr. John Ward.
Mr. Andrew Gifford.
Dr. Robert Jones.
Mr. Hawarden.
Mr. Ralph Clacton.
Mr. Charles Morgan, Clerk.
Mr. John Smyth, Clerk.
Sir John Bassett, Clerk.
Thomas Williams, Clerk.

× John Shuttleworth, Chorister.

× William Innis, Chorister.
Mr. James Almont, Steward.
Mr. Thomas Collins, Schoolmaster.
× Mr. Ramett.
(Thomas) Stubbs, Manciple.
(Richard) Kilby, Butler.
(Daniel) Yate, Cook.
(John) Prince, (Brewer).
(Richard) Painter, (Middle Cook.)
× Lavington (Porter).
Dye (Groom).
(Edward) Beasley, (Under Cook[1]).

[1] *Mem.* I discovered the old Buttery Book in the Muniment Room in a very dilapidated state, with many of the pages torn out—but the Restoration pages entire. The first ten names of the Intruded Fellows (except Dr. Younger) are crossed one by one, and then by one single enormous cross all the rest are marked. I had the Buttery Book newly bound.—J.R.B.

307.

Translation of Father Con's Letter to the Provincial of the Jesuits at Rome[2].

Honoured Father William, London, Dec. 10, 1688.

There is now an end of all the pleasing hopes of seeing our holy religion make a Progress in this country. The King and the Queen

[2] Probably Alexander Conneus, Scotus, F.S.J. See Records of the English Province, *Collectanea*, p. 880.

are fled, their adherents are left to themselves, and a new Prince with a foreign army has got possession without the least resistance. It is a thing unseen, unheard of, and unrecorded in history, that a King in peaceful possession of his realm, with an army of thirty thousand fighting men, and forty ships of war, should quit his Kingdom without firing a pistol. The foreigners themselves, who have got possession, are astonished at their own success, and laugh at the English for their cowardice and disloyalty to their Prince. It looks as if Heaven and Earth had conspired against us. But this is not all: the great evil comes from ourselves: our own imprudence, avarice, and ambition, have brought all this upon us. The good King has made use of fools, knaves, and blockheads: and the great minister that you sent hither has contributed also his share. Instead of a moderate, discreet, and sagacious minister, you sent a mere boy, a fine showy fop, to make love to the ladies.

'High praises, mighty trophies you have won[1].'

But enough on this head, my dear friend; the whole affair is over. I am only sorry that I made one among so many madmen, who were incapable either of directing or governing. I now return, as I can, with the little family to a land of Christians: this unhappy voyage cost me dear; but there is no help for it. The prospect was fair, if the business had been in the hands of men of sense, but to our disgrace the helm was held by rogues. I have already paid the compliments of the new year to our Patrons, and I now do the same to you and to all friends. If God grants me a safe passage beyond seas, you shall hear further from me. I remain as usual, etc.

P.S. A Scotch gentleman named Salter, who is arrived here with Signior P. D. O. sends his respects to you, and Signior Tomaso. The confusion here is great, nor is it known what is likely to be the issue, much less what it will be, but for us there is neither faith nor hope left. We are totally put to the rout this time, and the Fathers of our holy company have contributed their part towards this destruction. All the rest, Bishops, Confessors, Friars, and Monks, have acted with little prudence. (*Correspondence of Clarendon and Rochester*, vol. ii. p. 506.)

308.

A Letter from the Earl of Sunderland.

After some preliminary lines he proceeds,—'But to go on to what you expect. The pretence of a dispensing power being not only the first thing, which was much disliked since the death of the late King (Charles II[d]), but the foundation of all the rest, I ought to begin with that, which I had so little to do with that I never heard it spoken of till the time of Monmouth's Rebellion, that the King told some of the Council, of which I was one, that he was resolved to give employment to Roman Catholics, it being fit that all persons should serve, who could be useful, and on whom he might depend. I think everybody advised him against it, but with little effect as was soon seen. . . . .

[1] 'Egregiam vero laudem et spolia ampla tulistis' quoted in the Letter.

Then the Ecclesiastical Court was set up, in which there being so many considerable men of several kinds, I could but have a small part; and that after Lawyers had told the King it was legal, and nothing like the High Commission Court. I can most truly say, and it is well known, that for a good while I defended Magdalen College purely by care and industry, and have hundreds of times begged of the King never to grant Mandates, or to change any thing in the regular course of Ecclesiastical Affairs, which he often thought reasonable, and then by perpetual importunities was prevailed upon against his own sense, which was the very case of Magdalen College, as of some others. . . . .'

Lord Sunderland proceeds to explain the progress of the movement, and the Trial of the Bishops, and remarking on the expected coming of the Prince (of Orange) observes, 'upon the first thought of his coming I laid hold on the opportunity to press the King to do several things which I would have had done sooner, the chief of which were to restore Magdalen College, and all other Ecclesiastical Preferments, which had been diverted from what they were intended for,—to take off my Lord Bishop of London's Suspension,—to put the Counties into the same hands they were in some time before,—to annul the Ecclesiastical Court, and to restore entirely all the Corporations of England.' . . . .

He then says, 'These things were done effectually by the help of some about the King, but that his acts engendered a hatred against him by the Roman Catholic Party, and that he was attacked by incessant violent libels, lost every position he held, . . . and yet I thought I escaped well, expecting nothing less than the loss of my head, as my Lord Middleton can tell, and I believe none about the Court thought otherwise[1].' (*Lord Somers' Tracts*, vol. iii. p. 602.)

LINGARD'S NOTE UPON LORD SUNDERLAND'S VINDICATION.

'In the spring of 1689 Sunderland published a vindication of himself (*Cogan's Tracts*, vol. iii. 1), in which he acknowledged his error in consenting to form part of an administration so hostile to the interests of the country, but maintained that, instead of advising, he had always opposed those illegal and irritating measures which provoked the discontent of the people, and led to the expulsion of James. But the circumstances in which he wrote detract from his credit, and the despatches of his friend Barillon show that several of his assertions are false.

'By the partisans of the exiled Prince he was charged not only with having advised and promoted the measures which deprived James of his crown, but also with having done it for that very purpose. But of the latter part of the charge there is no proof: and his conduct may be fairly explained by attributing it to his desire of gratifying the King, and thus acquiring power. This is the light in which it was considered at the Court, and by the foreign envoys.

'That he was the pensionary of France is certain. The payments and acquitances are still preserved. In return he bound himself to communicate to the French ambassador whatever he might learn which could affect the interests of the French King.

'That he also betrayed the secrets of the King to his enemy, the Prince of Orange, has often been asserted: the charge, though never fully proved, is not devoid of probability.

'Barillon, on the disgrace of Sunderland, was careful to inform his Sovereign that the King did not believe that Sunderland had betrayed him. James in his memoirs appears to countenance the belief of his duplicity and treachery.

'On the whole there can be little doubt that Sunderland, to secure the favour of the Prince of Orange, betrayed to him, occasionally at least, the secrets of his Sovereign, in violation of his duty and his oath.'

[1] See Macaulay's account of Lord Sunderland's dismissal.

309.

The King's Vindication of Himself[1].

The Presidentship of Magdalen College in Oxford becoming vacant by the death of Dr. Clerke, the King thought fit by his Mandate, dated the 11th of April, 1687, to order their electing one Mr. Farmer, but the Fellows having exceptions against him, as not qualified according to the Statutes of the College, nor indeed of a moral life, they begged leave in a formal petition that the King would please either to leave them to a free Election, or recommend such a person as might be more serviceable to his Majesty and to that his College. The King though not well satisfied with this demur, however was pleased to wave his former recommendation, upon what was urged against him, and by a fresh Mandate ordered them to elect the Bishop of Oxford; but the Fellows without waiting his Majesty's pleasure, though they had begged it in their petition, proceed to an Election, choose Dr. Hough, and then made haste to get the Bishop of Winton, their Visitor in Ordinary, to confirm him accordingly. The King was highly incensed at this proceeding, for to say nothing of their questioning his power of dispensing with the Statutes of a College, and a positive disobedience to his Mandate, there could not, he thought, be a greater insult offered him, than in a suppliant manner to desire him to recommend another, and before it was possible to have an answer, to elect one themselves, and then plead that Election in bar of his Majesty's Mandate; for they made no other objection against the Bishop of Oxford, whom the King recommended, but that the place was full; and their only excuse for making it so was that their time assigned by the Statutes would have elapsed, and that they were bound under an Oath to the observance of them: but it was urged against, that they knew very well that the King's Mandate implied an inhibition, that it was no new thing, and by consequence could not oblige them to deal so unmannerly with their Prince, nor did they themselves conceive in the bottom they were under any such tye of conscience, otherwise some of the most violent and factious members amongst them, such as Dr. Fairfax, the Vice President, Dr. Pudsey, and Dr. Smith, would not have moved, as they did, to have a Second Address presented to His Majesty, and the Election suspended till the effect of that was known: but men who have ill designs are always in haste, and the true meaning of this mighty precipitation was not Scruple of Conscience, but to elude his Majesty's Power of nominating, and to make use of that occasion to get that prerogative to themselves, which had ever before been an inherent right to the Crown.

While this affair was in agitation, the King made a Progress into the Northwest parts of England, after having conducted the Queen to the Bath, and in his return took Oxford on his way: so on the 4th of September he summoned the Fellows of Magdalen College to attend

[1] *The Life of James the Second collected out of memoirs writ of his own hand.* Published from the original Stuart Manuscripts in Carlton House, by the Rev. J. S. Clarke. 2 vols. 4to. 1816.

him, hoping by his presence and persuasion to mollify their stubborn spirits, and bring them to a more dutiful temper. He told them that hitherto they had not used him like a Gentleman, but hoped upon more mature consideration, they would repair their former undutifulness with their present obedience in electing the Bishop of Oxford :—that it was a duty he expected from true members of the Church of England, and as he was willing to forget what was past, he hoped they were no less disposed by a ready compliance to blot out the memory of it likewise.

His Majesty delivered this to them with something more warmth than ordinary, however it made no impression, and since they persisted in their stubborn resolution, the King thought fit to leave them to the Ecclesiastical Commissioners, who issuing out a Citation brought the matter before themselves, and after having heard their plea, and consulted the learned in both laws, they judged the pretended Election null, and renewed the Mandate for choosing the Bishop of Oxford; but the Fellows disobeying that again, the Bishop of Chester, the Lord Chief Justice Wright, and Baron Jenner were deputed to make a Visitation, who used all imaginable arguments to persuade a compliance, but they still persevering in their obstinacy, the Commissioners after hearing all parties installed the Bishop of Oxford by his Proxy, and then pressed the Fellows to submit to him now that he was in, though they would not elect him themselves, which at first they seemed inclinable to, and signed a submission accordingly to the said Bishop of Oxford with this restriction, viz. as far as was lawful and agreeable to the Statutes of the College. Though this salvo was harsh however, the Commissioners for peace sake were contented to admit it, and had the Fellows abided by it, the dispute had ended there, and they remained in the quiet possession of their Fellowships, but as if they were sorry they had shewn any disposition to a healing and compliant temper, they came next day to explain their meaning with a downright equivocation, that by the word Submission they meant not to render any future obedience to the said Bishop of Oxford, but only that they did not oppose or resist his installment. This shewed there was no compounding matters with these angry people, who sought not justice, but a ground of complaint by putting a necessity upon the Commissioners of punishing their disobedience, though even that was not hastily done, for they went first to London to give a full account to his Majesty how far they had proceeded, and found that his patience was yet proof against all these provocations, for he ordered them once more to tender a form of submission as favourably worded as possible, promising to forgive what was past upon their signing it, but they rejected all offers of accommodation, so that no other way remained but to quit their Fellowships, which all did excepting two, and therefore were not in reality turned out by the Commissioners, but by themselves, by refusing obedience to their then President.

Nothing therefore can be more evident than that the King was hugely injured in this famous dispute which raised him so many enemies, and so much envy afterwards. It was far from his intention to dispossess the Church of England of this College. On the contrary all imaginable endeavours were used to persuade a compliance, and then not a man had suffered, and all their pretence of conscience had been avoided also,

had they waited an answer to their own request in their petition which the most considerable Doctors made no scruple of; besides it was ridiculous to dispute the King's power in dispensing with the local Statutes of a College, which had been so frequently practised in former reigns, after it had been decided in his Majesty's favour that he might dispense with certain standing laws of the Land. Had they not therefore forgot the oath of allegiance amongst those they insisted so much upon they would not have been so refractory to a lawful command of their Prince, or so nice in admitting the King's dispensation with their rules, which they were easy enough in dispensing with themselves, for their own ease and convenience: otherwise, as the Commissioners told them, so much scandal would not have been given by the breach of that, which enjoins their being served only by men.

There is no doubt but the King had done more prudently had he not carried the thing so far, but few Princes are of a temper to receive a baffle patiently in a thing they heartily espouse, or suffer their authority to be rendered precarious, when they conceive it to be backed with Law and Reason; as all the Civilians as well as Judges assured his Majesty it was, and that the least failure of a College in any point forfeited its Grant, and laid it open to his Majesty's disposal, so that if their usage appeared harsh, it was not his Majesty's primary intention, it was they who wilfully, not to say maliciously to raise envy, drew it upon themselves, nor was it by consequence the King, as was clamorously said afterwards, that turned his Subjects out of their freehold to make room for Roman Catholics, on the contrary all imaginable industry and arguments were used to make them stay; but refusing to own their superior, they could not possess their Fellowships, which had so immediate a dependance upon him, so the whole argument turned upon this single point, whether they had power peremptorily to disobey the King's Mandate or no; if not, then the Bishop of Oxford was duly elected, and the Fellows justly secluded for not submitting to him, and their pretence of being bound to the contrary by their Oath was groundless, not to say seditious, for they could not swear to disobey the King's lawful authority, and the Kings of England were never denied that of sending their Mandates when they thought fitting, and by consequence those Oaths or obligations only concerned them, when they were left to elect of themselves, which shews it was a confederacy to be stubborn only to draw an odium upon their Prince.

Not long after the Bishop of Oxford dying, and the King conceiving this College to be forfeited into his hands, and by consequence at his disposal, made the (R.) Catholic Bishop Gifford President of it, and filled up most of the Fellowships with (R.) Catholics, because few Protestants would accept them, but not many months after, the noise of the Prince of Orange's Invasion encouraging several Bishops to petition the King to restore it, he readily yielded to their request, when he found how grievously they resented what he had done; but they attributing that compliance to fear, not good-will, took no care to make him reparation for the troubles they had brought on him by their resentment, and notwithstanding their mighty scrupulosity in matters of oaths, when their interest was engaged, made no difficulty, most of them at least, to re

nounce their uncontested obligation of fidelity, to revenge a supposed invasion of their right which the King had yielded up again so soon, and which at best was but a disputable case.

310.

The Duke of Wellington and Magdalen Tower.

'In 1834 I witnessed the installation of the Duke of Wellington as Chancellor of the University of Oxford. The Honorary Degree of D.C.L. being conferred on me I was affiliated to my old friend Philip Duncan, and most agreeably located and hospitably entertained at his rooms in Exeter College by the eminent Professor Sewell. The Duke entered Oxford in an open carriage, accompanied only by Mr. Croker, who informed us at the Exeter College dinner that the Duke on approaching Magdalen College asked its name. "That is Magdalen," was the reply, "against which King James IId broke his head."'

(*Reminiscences of Many Years*, by Lord Teignmouth, vol. ii. p. 142.)

1688, Dec. 13. The King at Feversham.

'He harangued on a strange variety of subjects, on the disobedience of the Fellows of Magdalen, on the miracles wrought by Saint Winifred's Well, on the disloyalty of the black coats, and on the virtues of a piece of the true cross which he had unfortunately lost.' (*Macaulay*[1].)

1688, Dec. 17.

'Both at Feversham and now at Whitehall the King talked in his ordinary high strain, justifying all that he had done, only he spoke a little doubtfully of the business of Magdalen College.' (*Burnet.*)

1688, Dec. 12. Appendix to Gough, Hist. of Kent, pt. x.

December 11, being Tuesday, diverse stage coaches were going to Canterbury. When they came to Boughton St. (Feversham?) the persons therein hearing that Canterbury Gates were shut, and the inhabitants of the City in arms, they resolved to retreat; one of which coaches came into Faversham, being Sir Thomas Jenner's and himself in it, who was the Judge of the Common Pleas, &c. . . . They would have hired a vessel here to have carried them over to France, but we retained them prisoners here, as justly expecting they were flying from justice. . . . The Prisoners were secured in the Town Hall, except the King who was sent back to London, and Sir Edward Hales, who on his departure was lodged in Maidstone Gaol. In the list of prisoners remaining at Faversham under a strong guard until the 30th of December, and then conducted some to the Tower, some to Newgate, and others released, are

John Leybourn, Bishop of Adrametum.
Bonaventure Gifford, Bishop of Madura.
Obadiah Walker, Master of University College.
Poulton, Master of the School in the Savoy.
Thomas Kingley, formerly Fellow of Magdalen College[2].

[1] See Letter printed in Tindal's *Continuation of Napier*. Also Harl. MS. 6853.
[2] See *Demies' Register*, vol. ii. p. 286. Also Addenda, vol. iv. p. 418.

Charles Penyston. Extract from the Register of Sandhurst.

Memorandum, 1689. That the Vicarage of Sandhurst being void by the restoration of Mr. Charles Penyston to his Fellowship in Magdalen College, Oxford, Mr. Robert Niccolles, M.A., received a presentation to the said Vicarage by the Right Reverend Father in God Gilbert (Ironside, Warden of Wadham College, Oxford) Bishop of Bristol, and was inducted into the same November 6th, by Edward Fidkin, Vicar of Ashelworth.

(This was entered apparently in Mr. Nicolles' writing at the bottom of the Register entries for 1690, that is a year after his induction.)

311.

Sequel.

1689. Extract from the Records of King's College, Cambridge.

The year after the Revolution Dr. Copleston, Provost of King's College in Cambridge, died. When the College thought they had a fair opportunity of recovering the right, which their Founder's statutes gave them, of choosing their own Provost, of which the Kings, their Founder's Successors, had long deprived them, they appointed the day of election. But in the meantime a false Brother, by name Hartcliffe [1], rode up to the Court, and acquainted them that by the Provost's death a place was become vacant in the King's gift, hoping thereby to make some interest for himself, as it afterwards appeared. Soon after which came down a 'Mandamus' to the College from the King to choose for their Provost Mr. Upman, a Fellow of Eton. In answer to this the College sent up a remonstrance, setting forth the Right they had of themselves to choose the Provost, granted by their Founder, his Majesty's Predecessor, in his Statutes, which they hoped his Majesty would not infringe,—much less impose upon them a man, that had reached to destroy that constitution, which his Majesty came in to preserve, for he had preached a sermon in Eton Chapel in favour of the toleration granted by King James's Proclamation to Christians, in favour of Christians of all Denominations, Roman Catholics as well as Protestant Dissenters, which Proclamation was commanded to be read in all Churches, and the Bishops who protested against it were sent to the Tower. I, who was then in the Sixth Form, was present at the sermon, and I remember well that the Boys could not help observing in the faces of the Fellows and Masters, then present, scorn in some, and indignation in others. Upon this remonstrance the Court immediately dropped Mr. Upman, but presently sent down a new 'Mandamus' to the College to choose Sir Isaac Newton their Provost. In answer to which the College represented that to choose Sir Isaac Newton would be to act contrary to their Founder's Statute

[1] John Hartcliffe was matriculated at Magdalen College, Oxford, as Servitc 29 March, 1667, aged 16, son of John Hartcliffe of Windsor *paup.*

See Wood's *Athenæ Oxon.* (Bliss), vol. iv. col. 790. Wilmot's *Life of Hough*, p. 5 Calamy, vol. iii. p. 125. Ashmole's *Berkshire*, vol. iii. p. 280. Nicholls' *Anecdot* vol. i. p. 63. Birch's *Life of Archbishop Tillotson*, p. 260.

John Hartcliffe died Canon of Windsor 16 Aug. 1712. Le Neve, p. 255.

which expressly enjoins them to choose for Provost, one, that was, or had been, a member of one of his Royal Foundations, either of Eton, or of King's, still insisting on their own right of choosing: upon this the Government sent down a third 'Mandamus' to choose Mr. Hartcliffe.

'The College being aware that this Mandamus was coming, every officer took care to be out of the way; every Fellow's door was shut, and no one at home, so that when the messenger came, finding no one to deliver the Mandamus to, he laid it upon the Hall Table, from whence, at night, by an unknown hand it was thrown over the wall. Within a day or two after this, the Election came on, when Mr. Roderick, Upper Master of Eton School, had the unanimous votes of all the Electors but three, of which last Hartcliffe was one; and when this was done the College could not but be sensible that they had incurred the High Displeasure of the Court, who, they heard, threatened them with vengeance. Nor was the Person whom they had chosen duly qualified, for by the Statutes he ought to be in orders, and a Doctor, neither of which was Mr. Roderick. But this was soon rectified, for the University at the intercession of the College immediately gave him a Doctor's Degree, for which he was to perform his exercises in the following term, and the Bishop of Rochester, Dr. Sprat, gave him private ordination at Westminster, assisted by Dr. Annesley[1], Dean of Exeter and Prebendary of Westminster, as he, our Dean, himself told me; and then to defend themselves in case of a lawsuit, with which they were threatened, the Society passed a vote that there should be no Dividend till the lawsuit was at an end, and if that should not be sufficient, next to convert all the College Plate into money for the same use, and lastly, if more was still wanting to strike off the second dish for a time: at the same time they applied to all the Men of Quality then living, that had been at King's College, craving their aid to enable them to carry on this lawsuit, in which they met with good success, Lord Dartmouth alone, the College's Lord High Steward, subscribing a thousand pounds towards supporting the lawsuit. However they thought it most prudent to prevent a lawsuit if they could, and therefore used their utmost endeavours to pacify the Court, and reconcile them if possible to the Election. By the interest of their friends, they prevailed so far as to obtain a Hearing, which was appointed to be at Hampton Court. To be their agents there the College chose out of their Body three representatives, viz. Oliver Doyley, who had been Secretary to the Embassy at Constantinople; Dr. Stanhope, afterwards Dean of Canterbury, the best disputant of the whole College, and generally reputed the best Proctor of his time in the University of Cambridge, and my Tutor, John Layton, as reckoned the best scholar of the College, but deaf and purblind. When they came to Hampton Court, they were admitted into a room, which opened into the gallery, where the Attorney- and Solicitor-General came to them, to whom they clearly proved that the right of electing a Provost was fixed in the College itself by the grant of the King, their Founder, as is evident by his Statutes. To this the Attorney-General replied, that notwithstanding the Founder's grant to the College, the Kings his successors had from time to time put

[1] Richard Annesley, Fellow of Magdalen College, Oxford, 1672, afterwards Lord Aldham.

in the Provosts, and then pulled out a long list of all the Provosts, of this put in by one King, of that put in by another, and so on to the present time, concluding with some warmth, that the King could not but highly resent their disputing with him what had never been disputed with any of his Predecessors.

'At this John Layton, not a little nettled, rose up, when at the very instant was a hush, and a whisper that the Queen was coming through the Gallery, and all the company rose up, but he through the defect of his eyes and ears observed neither, and, knocking down his hand upon the table, cried out with a loud voice, "Mr. Attorney-General, if we must bear the grievances of the former reigns then is the King in vain come in," which words the Queen heard, not a little startled. They were soon ordered to depart, and threatened with no less than expulsion. They did not however put their threats in execution, which the College soon knew: for the King, going to the races at Newmarket, took Cambridge on his way, where amongst other things he visited King's College Chapel, attended by the Chancellor, the Duke of Somerset, and many others of the nobility, when he told the College, who there received him, that at the intercession of the Duke of Somerset he consented that the man, whom they had chosen, should be their Provost. On this John Layton, who was before prepared, made a speech to the King on his knees, which being ended, the Chancellor came from the King to the College, and said that it was his Majesty's pleasure that the Person, who had made the speech, should go out "Doctor in Divinity:" but John Layton begged the Chancellor to return his most humble and dutiful thanks to his Majesty for the great favour he intended him, of which he should ever retain the highest and most dutiful sense, but to intercede with his Majesty to excuse him from taking it, that he might not go over the heads of many persons more worthy than himself.

'Dr. Roderick was admitted Provost by Mr. Gearing, who, saving the intermission of one year, had been elected Vice-Provost for forty years successively, and had admitted Roderick Scholar.'

'This account is given by the late Mr. Reynolds, Fellow of Eton College and Canon of Exeter, who went to King's from the Election 1689.'

Copied by John Halsey Law, Fellow of King's, and sent to me by Dr. Hessey of Merchant Taylors', Nov. 1853. J. R. Bloxam.

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[Compiled by the Rev. H. A. Wilson: with some additional references to the Introduction. The references are to the pages: *n.*=*note.*]

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